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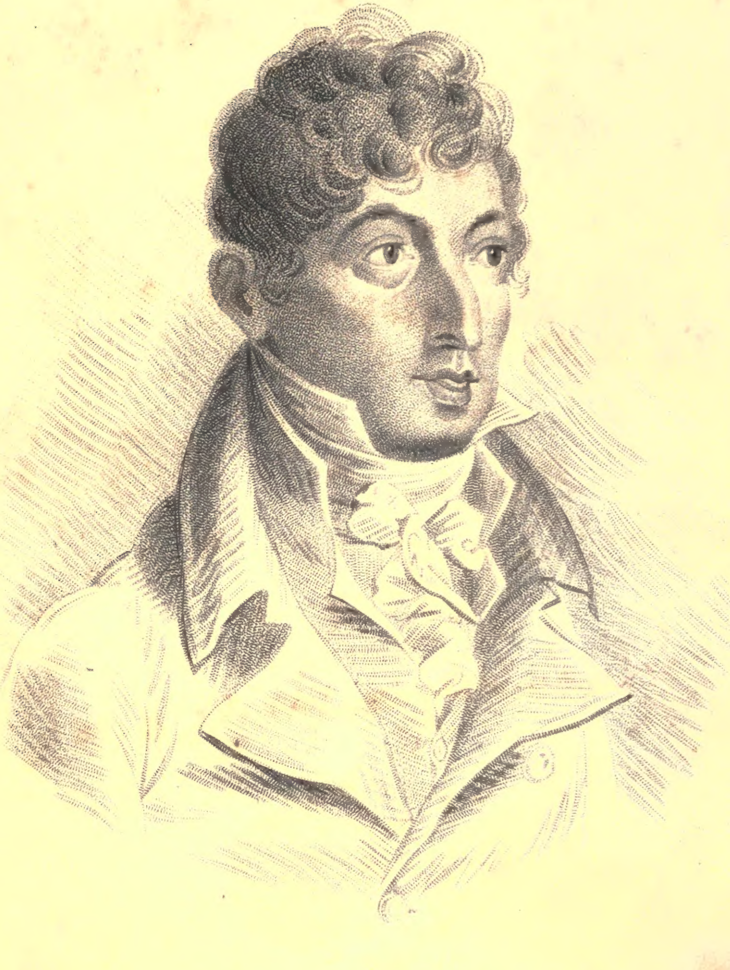

G. L. WARDLE ESQ.R M.P.
for Oakhampton.

[illegible]

MR. WARDLE AND THE DUKE OF YORK.

THE

CORRECTED SPEECHES

OF

MR. WARDLE,
THE CHANCELLOR OF THE EXCHEQUER,
MR. WHITBREAD,
THE ATTORNEY GENERAL,
LORD FOLKSTONE,
MR. ADAM,
SECRETARY AT WAR,
SIR FRANCIS BURDETT,
SIR SAMUEL ROMILLY,
MR. CROKER,
MR. WILBERFORCE,
MR. CANNING,
MR. PONSONBY, *&c, &c.*

IN THE

HON. HOUSE OF COMMONS,

ON THE

CHARGES

AGAINST HIS ROYAL HIGHNESS THE

DUKE OF YORK,

AS COMMANDER IN CHIEF OF THE BRITISH ARMY.

ACCURATELY REPORTED BY A BARRISTER,
AND REVISED BY MOST OF THE SPEAKERS ON THAT IMPORTANT
QUESTION.

WITH A PORTRAIT OF MR. WARDLE.

LONDON:
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1809.

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TO THE READER.

THE Editor of this Volume of Debates on the important Enquiry into the conduct of the late Commander in Chief, has spared no pains to make the Work complete, by giving the Speeches as accurate as possible, acting with equal impartiality to the Speakers on both sides of the question. The publication has been delayed for more than three weeks, in order to give the Members an opportunity of revising their speeches, so as to prevent any complaint against the Publishers.

At the end of the Work the reader will find a List of the Minorities of Mr. Wardle, and Sir Thomas Turton's motions, together with the Minority on the Chancellor of the Exchequer's Resolution; the Editor is, however, very sorry he cannot gratify the Public with the names of the Members who voted in favour of His Royal Highness the Duke of York.—He has tried every means that were in his power to accomplish this desirable object, but to no purpose, as every source of information was shut against his enquiries.

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HOUSE OF COMMONS.

WEDNESDAY, MARCH 8, 1808.

HIS ROYAL HIGHNESS THE DUKE OF YORK.

MR. Wardle moved the Order of the Day for taking into further consideration the Report of the Committee appointed to enquire into the Conduct of his Royal Highness the Commander in Chief.—This being agreed to,

Mr. Wardle then rose and spoke to the following effect.

Mr. Speaker.—I am fully aware of the difficulty of the situation in which I am placed; but I shall not trouble the House with many words before I proceed to examine the evidence which has been taken at the Bar, as well as the written documents on the table; and to comment upon those parts to which I shall have particularly to refer. My leading object from the opening of this important business to the present moment, has been to obtain a fair and cool investigation of the charges I thought it my duty to bring forward against his Royal Highness the Commander in Chief. I have endeavoured to avoid every thing likely to cause irritation in the progress of the enquiry, and in that course I shall most rigidly persevere. However I may feel hurt, that motives highly injurious to my character, and not more injurious than false, have been indirectly attributed to me as the ground of my proceeding, and though I may also have thought that in the early stage of the enquiry I was harshly treated, still, Sir, on these points I shall make no comment, but at once proceed to a more pleasant task, that of offering my thanks where I feel them due. To the House for all the indulgence I met with during the arduous investigation. To his Majesty's ministers for the attention which they paid to my request, when exhausted by fatigue both of mind and body, in an early stage of the enquiry, I applied for one day's respite from my labors. To my honourable friend below me (Mr. Whitbread) for the manly support he afforded me at a moment when I did indeed stand much in want of it; I know not how to express my obligation! under such a shield I set at naught the various shafts that were levelled at me, and proceeded in conscious security. Indisposition unfortunately deprived me of the able assistance of an honourable and worthy Baronet (Sir Francis Burdett) who early took up the cause. I feel equally obliged to him, though I lament the loss of his great abilities. Of my noble friend (Lord Folkstone) I know not how to speak. In the early stage of this important enquiry, he not only rendered me every assistance his zeal and great talents could command, but voluntarily committed himself with me as a direct party in the proceedings, and this too at a time when the danger and difficulty of the undertaking was the only theme on both sides of the House, and when public odium was held out as likely to fall on me. Vain would it be for me to say how much I feel indebted for his powerful exertions; the country, I trust, will do ample justice to his manly conduct, and appreciate the merits of his true patriotism. To many other friends I feel also much indebted. That his Royal Highness the Duke of York has been most ably defended, I rejoice. If his Majesty's ministers and the crown Lawyers thought it their duty to do so, they have acted most openly, which does them honour, at least it will convince the public that nothing has been left undone in the defence to render it effectual. But the Representatives of the People, ought as religiously to maintain the Rights of the people, as the servants of the King do that of the Crown. There is one consideration which I trust the House will not be insensible to, namely, that whatever may be due to the superior rank of his Royal Highness, still much is due from the Representatives of the People to their constituents and the country. This, I trust, the event of this important investigation will fully justify. On the strength, the truth and justice of my cause, I rely as I hitherto have done throughout the whole of the proceedings, and without detaining the House any longer with preliminary observations, I shall proceed to offer what I have to say on those parts of the evidence, to which I beg leave particularly to call the attention of the House. The 1st Case is the Exchange between

LIEUTENANT COLONELS KNIGHT AND BROOKE.

Dr. Thynne stated that he was authorised by Mr. Robert Knight to tell Mrs. Clarke, that she should receive 200l. if she would use her influence to expedite the Exchange, and remove some delays and impediments which had taken place, and that he gave their names to Mrs. Clarke on a slip of paper. Mr. Robert Knight declared that he had authorised Dr. Thynne to make this offer to Mrs. Clarke; and Mrs. Clarke has likewise stated that Dr. Thynne made the application to her to effect the Exchange between Lieutenant Colonels Knight and Brooke; that he gave her the names of both on a slip of paper, neither of whom she knew: she gave the same slip of paper to his Royal Highness, and when the Exchange was effected she sent the gazette, with a note to Dr. Thynne, informing him that she was going out of town in a day or two, and that the 200l. would be very convenient. In consequence of this she received the 200l. Dr. Thynne believes the Exchange was a good deal expedited by Mrs. Clarke, but a fortnight or three weeks elapsed between the application and the time the gazette was sent. Mr. Robert Knight thinks he went three times to the Gazette office after the application was made by Dr. Thynne to Mrs. Clarke, and did not become acquainted with her till the Exchange was effected, when she begged of him to keep the matter secret from the Duke of York*. Mrs. Clarke further stated†, that she informed his Royal Highness, that she did not know the parties, but that they would make her a compliment: upon her receiving the 200l. Bank note, she shewed it to him and thinks she got one of his servants to get it changed for her. It is very likely she might desire Mr. Knight to keep the matter secret, but not from the Duke of York. When she mentioned the business first to his Royal Highness, he told her they had been trying at it some time, and that he thought one of them was rather a bad subject, but he would do it.

From the foregoing testimony of Dr. Thynne, Mr. R. Knight, and Mrs. Clarke, it must be admitted beyond a doubt that 200l. had been offered to her to use her influence to expedite the Exchange, which sum was ultimately paid to her under the impression that she had exerted her influence for that purpose. The next point to be ascertained is, whether she did exert her influence, and whether the Duke of York was a party to the business. Mrs. Clark says she applied to his Royal Highness, and gave him the slip of paper she received from Dr. Thynne, containing the names of the parties, adding at the same time they would make her a compliment, and that she did not know them. Surely there could not be a stronger corroboration of all this than what has been given in evidence by Dr. Thynne, and Mr. Robert Knight. Dr. Thynne stated he gave her such slip of paper, and Mr. Knight proved that she did not then know the parties. I must say, that in this evidence it was not necessary for the parties to have been so minute, unless they had a strong impression upon their minds as to the transaction on which they were giving testimony; for, in proportion to the minuteness with which they detailed the circumstances, the danger of contradiction is certainly greater. A general assertion was less liable to contradiction, and consequently the minuteness of the evidence is a strong proof of its correctness. Mrs. Clarke further stated, that when she recommended the application of the parties for the Exchange to the Commander in Chief, he said he knew the business very well, that they had been trying at it for some time; and it appeared from the documents upon the table that they had been some time endeavouring to effect the Exchange themselves, before the application had been made to Mrs. Clarke. This was actually the case, and how was she to come to the knowledge of that circumstance, except through the Commander in Chief? His Royal Highness had said that one of them was a bad subject, and it actually appeared from the papers on the table that Colonel Brooke had only served as a Cornet in a regiment of Cavalry for four months, and out of the twelve years he had been in the army, he had been for seven years upon half pay. Unless, therefore, there were particularly strong reasons for giving Colonel Brooke this advantage, it ought not to have been done, especially when it was considered that he would thus be placed in a situation where he might have to command a cavalry regiment—a duty of great difficulty, and one that in ordinary cases could not have been expected to be very well performed by a person who had only served in the cavalry as Cornet for the space of four months, and who had been for seven years out of twelve on half pay. Mrs. Clarke said that she shewed the notes to the Commander in Chief on the day she received them, that he was going to Weymouth that night. Mr. Knight stated that he sent her the notes early on the 31st July, and Colonel Gordon has given testimony that the Duke of York did go to Weymouth on the 31st July; and he added that he generally travelled by night, so that on both these points Mrs. Clarke is in a peculiar manner corroborated in what she has advanced. Mrs. Clarke has also stated that she thinks she got the notes changed by one of the Duke's servants through his Royal Highness. Peirson, the butler, said, that on the night that the Duke of York went to Weymouth, about 11 o'clock at night, he was sent out to get a bill changed; that the Duke of York was present at the time; that the witness believed it was a bill of 100l.; that he tried to get the bill changed at Stevens's in Bond-street; that he had not succeeded; and that he succeeded at Byfield and Bridgeman's, the confectioners, in Vere-street. I admit that the evidence of Peirson was somewhat confused. He seemed to have been mistaken when he said that it was at Bridgeman's, and not at Stevens's, that he got the note changed. But at the same time, he certainly appeared to have spoken what was true to the best of his judgment, and with the exception of this mistake, there was every reason to give credit to his testimony, particularly as Mrs. Bridgeman recollects his applying to her to have a large note changed. Mrs. Clarke had said, that she believed that there were only two or three days between the date of the exchange and the application. Dr. Thynne and Mr. Knight spoke positively to a fortnight or three weeks, and Mr. Knight had said that he went three times for the Gazette. That they differed so far was clear, but on a point such as this, it was not at all surprising that there should be such a variation. It was obvious that they had stated it as a case that required dispatch, and no doubt she exerted herself to effect the exchange as speedily as possible, for if their object was dispatch, her's was to get the money which she might lose if the affair was not hastened; and *the slip of paper* to insure this point would be given to the Commander in Chief *as soon as received from Dr. Thynne*; and therefore between her application to his Royal Highness, and the parties being gazetted, there is the strongest ground to believe that at least a fortnight elapsed. There was also a variation as to the point of keeping the matter secret; Mr. Knight, however, must have been persuaded when he gave Mrs. Clarke the 200l. that the exchange had been expedited through her influence with the Duke of York, and consequently that the Duke of York must have known it. If Mrs. Clarke therefore had desired him to keep the matter secret from the Duke of York, it was telling him that she had swindled him out of the 200l.; for if she had *not* used her influence with the Duke of York she had no claim to it, and if she had, the Duke must know it, and therefore Mr. Knight must have believed that the Duke of York was acquainted with the transaction. Was it credible upon any other supposition that he would have given her 200l.? That Mrs. Clarke required secrecy in these transactions was indeed true, as appeared from the evidence of Mr. Corri and others. The reasons for this were obvious—but it was impossible from their nature, that she could have desired secrecy, as far as concerned the knowledge of the Commander in Chief. The letter of the Duke of York to Mrs. Clarke, respecting the application of General Clavering for a regiment—a letter written with a great deal of caution, proved that he was accustomed to communicate with her on these subjects. And it further proved that he was very anxious to keep

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* Vide the evidence of Dr. Thynne, R. Knight, Esq. and Mrs. Clarke, Minutes, page 1 to 7.

† Vide page 7 and 8.

his name out of question. "Clavering," he said, "is mistaken in thinking that any new regiments are to be raised; *you* had better therefore tell him so, and that *you* were sure there would be no use in applying for him." It was clear from this how much he wished to keep his name secret with respect to these transactions; but after such letters as this, Mrs. Clarke could not be in her senses if she had expressed any fear of the Duke of York's becoming acquainted with these applications. "*You* would do this and *you* would do that," was a mode of expression which clearly manifested the Duke's desire, that he should not be brought forward, and on that account, as well as for other reasons, Mrs. Clarke might be anxious for general secrecy; but it was absurd to suppose that she could desire that to be kept from the Duke of York, which she well knew he was already acquainted with.

But there were written documents on the table of the House, which spoke as strongly as the evidence at the bar. On the memorandum by Messrs. Cox and Greenwood, of Brooke's services, there were pencil marks, first "C. L. cannot be acceded to—his Royal Highness does not approve of the exchange proposed;" and afterwards "His Royal Highness does now approve of the exchange." By the words "cannot be acceded to," Colonel Gordon said that no more was meant than that a stoppage till further inquiry could be made; he said, that if further inquiry were to be made, he should probably say "to be considered," and then he said, that he would very probably say, "cannot be acceded to." That this phraseology might be understood at the Horse Guards, I admit; but that it could be understood in the sense ascribed to it by Colonel Gordon any where else, I deny, unless it was to be contended that words of *direct refusal* implied only consideration. But as if it had been thought that the words "cannot be acceded to" were not sufficiently strong, it was added, "his Royal Highness does not approve of the exchange proposed." If I had been a party in the transaction, I certainly should not have expected any further inquiry to be made, after being told that the proposal could not be acceded to; and every person asking a favour must have taken these words as a complete denial. In a subsequent document, it was said, that his Royal Highness was of opinion that the services of Col. Brooke could not but be favourably considered. But the services of Col. Brooke were stated in the paper on the table, where it appeared that he had served four months as a Cornet in the 8th Dragoons; and that, out of twelve years in the army, he had been seven years on half pay. But Colonel Gordon assured us, that the request was complied with on the ground of his services. These, however, were such as he had stated; such they were when the request was refused; and such they were when it was granted. Colonel Gordon did not recollect any person of whom he had made inquiries after the refusal; and when Gentlemen recollected the accuracy of his memory, was not this extraordinary? I ask then, what made this Officer eligible for the command of a regiment of Cavalry? The situation of an Officer who might have the command of a cavalry regiment was a very difficult one, and required considerable experience in that particular service, of which experience Col. Brooke had but little. Colonel Gordon had said, that by a rule of the Commander in Chief, no officer could be promoted to the rank of a field officer under six years service; an excellent rule, and highly honourable to the Commander in Chief (*hear, hear,* from M. Fuller), and one which would have been of essential advantage to the army if adhered to. But was it not extraordinary that one who out of twelve years, had been only five upon full pay, should be selected for a field officer of a cavalry regiment, he having only served in the cavalry for four months? This militated against the rule, for here was an officer with the full knowledge of the Commander in Chief appointed upon five years service to a situation which, according to the rule, he could not have held till he had served six years. It might be argued, that the event had proved that Colonel Brooke was well worthy of the situation; that might be; I do not know Colonel Brooke, but probably he may have proved a meritorious Officer. That, however, was nothing at all to the question, for Colonel Gordon could have had no strong ground for the recommendation, if ever he did recommend him, about which he appeared somewhat doubtful. Taking into consideration the whole of this case, I do contend, that no *reason* whatever has been shewn to satisfy the House that the Exchange was carried into effect through any other medium than the influence of Mrs. Clarke over the Commander in Chief.

The next case to which I shall have to call the attention of the House is that of

CAPTAIN MALING.

With regard to this case, although in compliance with sentiments expressed, when it was first offered to the consideration of the Committee, I consented to withdraw it, I sincerely rejoice that the Committee did not think proper to accede to that proposition, for I now conceive it to be a case as interesting to the Officers of the Army as any other whatever. It was admitted, that at the time of his promotion there were a great number of Officers who wished to purchase, and many, his seniors, distinguished for long and meritorious services who wished to be promoted. This was admitted by Colonel Gordon; and it appeared that the only reason for the preference given to Captain Maling, was his unexceptionable character and assiduity. But the question was, why had he been put over the heads of so many other officers of acknowledged service as well as ability? This gentleman, though assiduous and of an unexceptionable character, had never been out of England; and I would ask, whether it was not improper, not to say corrupt, to raise him over the heads of so many officers of long and distinguished service? On the 28th November 1805, Captain Maling was appointed to an Ensigncy in the 87th Regt. and made a captain in the Royal African Corps on the 15th September 1808; so that in less than three years he was put over the heads of many very meritorious subalterns. This was admitted by Col. Gordon and that there were several subalterns in the army senior to Captain Maling anxious at the time of his promotion to a company (*without purchase*) to purchase; and all he states in favour of Captain Maling's promotion, is that he was *a very unexceptionable gentleman*: still, however, I am at a loss for the *military* services of Captain Maling, that gave him a claim of superseding so many old officers. I am ready to admit that every Commander in Chief should have the power of rewarding brilliant services by irregular and rapid promotion, but if officers are so promoted, without having distinguished themselves by military exploit or highly meritorious services, I maintain such promotions are acts of corruption!

In the progress of this investigation, it came out that there was another Maling in the office with Col. Gordon, who, it seems, was made a Captain without any military service whatever, who never joined any regiment, and whose only recommendation was his assiduity under Col. Gordon. It is preposterous and not to be tolerated that a gentleman, for services at Col. Gordon's desk should be rewarded with military rank and honours, to the prejudice of officers of brilliant and distinguished character, who have encountered toil and peril in all parts of the globe, whilst

Captain Mailing has basked in the sunshine of Horse guards favor, wielding no other weapon than his pen. I do then, Sir, maintain that Captain Maling, who Colonel Gordon states never to have rendered any military services, ought not to be a Captain in the Army. I must be allowed to go further, and say that he ought not to be put on the half pay, which Col. Gordon said was in agitation, for if he is, it is a direct violation of an Act of Parliament which provides that no officer who had never joined any Regiment should be put on half pay. I trust the House will now see the necessity of limiting the power of the Commander in Chief in such cases as this, otherwise corrupt practices will be continued.

Col. Gordon's own case is rather singular, I am disposed to give him full and implicit credit for his gallant services in his military profession, but I contend his military services are not of that brilliant nature to entitle him to a Regiment, to the prejudice of a long list of old and meritorious officers![*] However lightly this subject may have been treated by the House, I hope I have clearly shewn the great abuse that has resulted, and is likely to result, from giving an unlimited power of this nature to any Commander in Chief.

COLONEL FRENCH'S LEVY.

This case is extremely important, and clearly shews Mrs. Clarke's decided influence with the Commander in Chief. It must be admitted, from the evidence of Captain Sandon, Mr. Corri, Mr. Dowler, Mr. Grant, and Mrs. Clarke, that pecuniary reward was offered to her for her influence, and that she received considerable sums under that impression. The next point to be considered is, whether she possessed such influence, and whether she used it on this occasion. Mr. Grant proves that Colonel French told him a Mrs. Clarke had procured his letter of service.—Mr. Dowler proves that Colonel French applied to Mrs. Clarke for alterations in the Levy—Captain Sandon proves that he was fifty times with her on the business, and Mrs. Clarke says she was teased to death, and gave their notes unopened to the Duke. This traffic continued for months, and the parties continue from time to time to pay Mrs Clarke money. Is it not then clear that she must have proved again and again by the use of her influence, that she possessed it. Captain Huxley Sandon stated that he applied to Mrs. Clarke to procure her influence for himself and Colonel French in this Levy—that they were to pay her 500l. upon receiving the letter of service, and that she was to have 2000l. if the Levy succeeded—that she had been paid several sums in the progress of the business. Mr. Corri stated, that he was to receive 200l. for introducing them to Mrs. Clarke; that she said she could recommend none but persons of character; and that it would be necessary for them to go through the regular forms at the War Office; that in the month of July 1804, she had desired him to destroy her letters. Mr. Dowler spoke to the alteration in the terms, by which the number of boys was to be increased, and by which Mrs. Clarke for her good offices was to receive a guinea per man. Mr. Dowler had also stated, that he had advised her not to trouble herself with matters of this sort, and that she alleged as the reason, that she was forced to do it, because the Duke of York did not supply her with money for her establishment. Mr. Grant, the agent for the levy said, he understood that it was to be obtained through the influence of Mrs. Clarke, who was to be paid 500l. immediately. He also spoke to the alteration to be procured through Mrs. Clarke's influence, and to the loan to be advanced to the Duke of York upon payment of the arrears. Mrs. Clarke also said, that she received the 500l. and had paid them to Burkitt, the silversmith, for plate, and the remainder of the price of the plate she believed to have been paid by the Commander in Chief, for he, as she imagined, had told her so. Miss Taylor stated, that the Duke of York said to Mrs. Clarke in her presence, "I am continually worried by Colonel French—he worries me continually about the levy business, and is always wanting something more in his own favour—how does he behave to you darling?" To which Mrs. Clarke replied "middling, not very well;" upon which the Duke of York said, "master French must mind what he is about, or I shall cut up him and his levy too;"—bills were also drawn on the Duke of York relative to this business, and liquidated by his checks upon Couts's house.

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[*] By this appointment, 29 Lt. Generals, 84 Major Generals, 150 Colonels, and 160 Lt. Colonels were passed over. In addition to this, he is, I believe the only Lt. Colonel in the British Army who has a Regiment. Rep.

It is manifest, from this evidence, that Mrs. Clarke had received from these parties, a pecuniary reward for her influence with the Duke of York; and that sums had been advanced her from the impression that she had exerted that influence with effect. The next point was, whether she actually had that influence to which she pretended. Captain Sandon said, that he had been fifty times with her upon this business; and she said that she was teazed to death by him and Colonel French upon this subject, and that she gave their notes unopened to the Duke of York. It appeared that they had paid her 1700l. in small sums in the course of the transaction, which they would never have done had they not been fully convinced that she actually possessed the influence over the Duke of York's mind, to which she pretended. The letters of Mrs. Clarke to Captain Sandon, I contend, afford positive proofs of her influence with his Royal Highness. She said, in No. 28*, " I gave the papers to his Royal Highness; he read them while with me, said, he still thought men high, but *that an answer would be left at his office in the way of business.* I told him, if any was appointed, to give the Colonel the preference—burn this as soon as read—I don't comprehend exactly what you mean by five other things, I don't think it possible." In this letter, Mrs. Clarke stated what she had done with the papers, the Duke's remark upon them, and she pointed out where Capt. Sandon would receive an answer ; and it is here worthy of remark, that it appears from this letter, that *official regularity* formed part of her system, as well as of that of Colonel Gordon's ; and that she attended to the proceedings at the Horse-Guards, as well as to those in Gloucester-place.

It was impossible Mrs. Clarke could have made such communications to Capt. Sandon, unless she actually possessed the influence over the Duke of York which the parties believed her to enjoy. In No. 31, she said, " I hope you will attend the Duke to day, as Clinton leaves him on Thursday, and he has all the writings for you in hand ; he will not leave his office till six. I shall be glad of 100 guineas, if possible, this week." Here she said that Clinton was to leave the Duke on a particular day, that he had all the papers in hand, and that the Duke would not leave the office till six. She wished to send Captain Sandon to the office to attend the Duke. How could she have known these circumstances about Clinton, and the several other matters, unless she had a direct communication with the office and the Commander in Chief ; and must not Capt. Sandon have had positive *proof* of the part she took in his concerns, when he waited upon the Commander in Chief, by her appointment, to *talk over the very communications*

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* Vide Mrs. Clarke's Letters.

made to him by Mrs. Clarke herself. In No. 39, she said, "I am told an answer is left out for Colonel French, at the office, and that now he has dropped three guineas per man." This was another proof of the fact which he had stated; that unless she had been in the constant habit of communicating with the Commander in Chief, she must have betrayed herself to Captain Sandon, at every turn; in one instance she speaks of a fact, the truth or fallacy of which was perfectly known to Captain Sandon. In No. 11, she said, "You are to have the bounty that Pitt is to give to the line, so that every thing goes on well. I told him that I should see you at Vauxhall on Monday."—Here is a direct and official report; had it been false the event must have ruined her credit. In No. 8, she said, "The Duke told me this morning you must get on faster with your men—he has written to town for that purpose—you had better send me the exact number of all you have sent, and I will show it him." Here she called for documents as an agent to transmit them to the Commander in Chief. Could any one, after attending to the statements in these letters, really persuade himself that she could possibly have done all this without a communication on the subject with the Commander in Chief? In No. 10, she said, "she thought it best that Sandon should not come to her box that evening, as Greenwood was to be at the theatre with the Duke, and if he saw her and Sandon together he might say something about the levy business, and hurt their future interests." In her evidence she stated, that if she and Sandon were seen together it might occasion a suspicion about their connection in the levy business, that might be injurious to them. This apprehension was very reasonable; because if any such suspicion should arise in Greenwood's mind, he might state it to the Duke of York, who might find himself obliged to put an end to the levy, or place himself in a very unpleasant predicament. In No. 6, she said, "He will do it, so let the proposals be sent in by when he gets to town, which will be as soon as you get this, for one thousand at first. The Duke of Cambridge has already four thousand. You have not any occasion to be very particular as to their being Protestants, for I don't think it of any consequence to him: I think you had better attend him on Tuesday to ask his opinion of the papers sent in on Saturday, *as I told him I had seen the proposals* which you intended to alter and leave that evening." This letter related to the German levy, and it is rather extraordinary, that of the documents on the table, none could be found that referred to that transaction. Yet Colonel French sent parties to Germany, and this letter alone was sufficient to prove that he did so, through the influence of Mrs. Clarke. There were other letters that confirmed this, and from the whole of them, there could be no doubt whatever of the influence which Mrs. Clarke possessed over the Duke's mind; and as little doubt of his being in the constant habit of using it. From this letter it appears that she had been acting the part of Commander in Chief herself. She said she had seen the proposals, and directs Captain Sandon to attend at the Horse-Guards for the final decision upon them!

The next letter I shall refer to is No. 15. "The Duke is very angry with you, for when he last saw you, you promised him 300 foreigners, and you have not produced one. O yes? Master Sandon is a pretty fellow to *depend* upon."

Now in this letter she communicates a direct promise made by Captain Sandon to the Duke of York? If no such promise had been made, would she not have stood self-convicted to Captain Sandon, and who but the Duke himself could have told her of this promise? but Sir, I am aware I have proved, incontrovertibly proved, that Mrs. Clark did possess and exercise her influence over the

Commander in Chief, through the whole progress of this levy, and it is unnecessary to dwell longer on this point. But here I beg to remark, that the evidence arising from these letters, written at a moment when she had the full confidence and protection of the Commander in Chief, confirms in every point, that evidence she has now given, when she enjoys neither his confidence or protection.

The next point was, whether he knew that Mrs. Clarke took money for the exercise of that influence. It was natural, certainly, for the Commander in Chief had he not himself been a party to have asked her why she took such interest in these transactions—he must have known that there could be no reason for any strong disinterested friendship for the parties, and the only answer she could give, was, the true one, that they supplied her with money. He said, that she told this to the Commander in Chief, and every circumstance connected with the case corroborated her assertion. Mrs. Clarke even stipulated for accommodation for the Duke himself. Another circumstance speaks strongly to Mrs. Clarke's having no fear of the Commander in Chief knowing of her various money transactions with Captain Sandon; for frequent as her applications in her letters to him were for money, still not the smallest caution as to the time or mode of payment! No *hint* even in these letters that his Royal Highness must not know of the *money* negotiations. Could she then have been afraid of exposure to him? and does not this prove him a party? Another point was the expence of the establishment in Gloucester-place, which I hope will be kept in view through every part of the discussion. Without some such method as this for procuring money, his Royal Highness must have known that Mrs. Clarke could not have supported their establishment. Then there was the evidence of Miss Taylor, as to his knowledge that Mrs. Clarke derived pecuniary advantage from this levy.—" How does French behave to you Darling," were his words; and when Mrs. Clarke said, "middling—not very well;" he observed, "Master French had better mind what he is about, &c. &c." how could there be testimony more natural—more conclusive than all this? If there had been nothing else but this to prove the knowledge of the Duke of York, as to the taking money by Mrs. Clarke, still with this alone, the proof ought to be considered as incontrovertible.

In corroboration of his Royal Highness's possessing a knowledge of the pecuniary emoluments derived by Mrs. Clarke from the Levy, Mr. Wardle adduced the case of Major Tonyn, where it was in evidence by Captain Sandon and Mr. Grant, that 500l. were, on account of that promotion, to be paid to Mrs. Clarke. Mr. Dowler saw the money paid; the person belonging to the House of Mr. Birkett proved, that about the same period 500l. part of the amount of a service of plate, had been paid by Mrs. Clarke, and the balance by the Duke of York's own notes. This circumstance, I conceive, is conclusive as to the Duke of York's knowledge of the transaction. His Royal Highness must, from his granting bills only for the balance, have known that the 500l. had been paid by her; he must also have known that he himself had not given her money to enable her to pay this 500l. What was more natural, therefore, or did it not rather follow as a necessary consequence, that he should have asked her, had he been ignorant of the transaction, where, and in what manner she procured the money to pay this 500l. to account of a service of plate, for the balance of which he granted his own notes. I confess, that, with the full exercise of all due charity on the occasion, I cannot conceive his Royal Highness to be ignorant either of the one transaction or of the other. That a particular accommodation was meant for an undue exercise of a right of patronage, I think the proposed loan of 5000l. by Colonel French, affords a corroborative proof. Mrs. Clarke, in her evidence, stated, that application had been made at the offices, but that it did not succeed. Mr. Grant said, that Colonel French had applied to him to advance the loan, and, in this he was corroborated by Mrs. Clarke. The Duke of York, in his letter, stated, that he had no knowledge of any transaction of the kind; yet, on this subject, there must have been a communication with him; and, if it had been carried on, he must have been a principal party in it. If the loan had been negociated, it was to have been done on proper security. To such security the Duke of York himself must have been a party, it being obvious that the security of Mrs. Clarke could not have been received; and, therefore, his Royal Highness must himself have appeared. The next evidence in this case, to which I shall refer, are the official documents on the table. It appeared from them, that a regular application had been made by Col. French for leave to raise a Levy, to consist of 5000 men, to be discontinued, if within the space of nine months 4000 out of the 5000 should not be raised. On the 13th May, 1804, the Inspecting-General, Taylor, declared the letter of service so granted to Col. French to be an exception from the general rule. Again, on the 10th of November, when at the end of seven months not 200 men had been raised, an indulgence was given as to the size of men and lads to be engaged for that Levy; and on the 26th of November an extension of the age was made to 35 years. Complaints are in the mean time made by Brigadier-General Taylor in Ireland, from which Col. French endeavoured to vindicate himself; and on 25th January, 1805, General Taylor writes a letter, to which I crave the attention of the House. In this letter, after stating a variety of charges, Gen. Taylor represents it as a Levy without men: that the few raised cost the country 150l. per man.

That the most improper practices prevailed in the conduct of the corps; and that when the *harvest* was reaped, little was to be expected. When this was the nature of the communications made to the Commander in Chief, at the distance of nine months, at which period Government had said, if 4000 men were not raised, the levy would be discontinued; whereas there were not then 200 men actually raised—when this was communicated to the Commander in Chief, accompanied by particular charges of a most infamous and detestable kind—when it was shewn that the country, overloaded as it was with taxes, was paying for this levy 150l. a man—with such a document before the Commander in Chief, was it not matter of surprise that the influence of Mrs. Clarke, or of any other person, should have been so strong as to induce him to allow that pernicious system to continue for a moment? If it was not the influence of Mrs. Clarke, what could it be that could actuate him to continue this vile, abominable levy, when only 200 had been raised, instead of 4000, and at such an exorbitant expence? This, however, was not the course of his Royal Highness. He did not stop the levy, even after this document was before him, but allowed it to go on, with this gentle hint, that "unless a very considerable increase should take place in the numbers recruited, prior to the 1st of April next, he would feel himself under the necessity of recommending to his Majesty to discontinue a levy so unproductive." The answer, however, communicated by General Taylor was, that he had formed a premature judgment on the probable success of the exertions of Colonel French, and that the terms of that officer's letter of service were not allowed him. What! Colonel French's levy had existed for nine months; within that period he had not raised 200 men, although, by his letter of service, he ought to have raised four thousand; and yet, when the Brigadier-General of the district represented the case to the Commander in Chief, he was to be told that he had formed a premature judgment in the case! What is the House to think, if such things as these are to be tolerated? The next document on the subject, was the letter of General Whitelocke to the Office of the Commander in Chief, dated 14th of April, 1805, recommending that on account of the great expence, as well as the disgraceful conduct of the Non-Commissioned Officers, the propriety of discontinuing the Levy so burdensome and unproductive. This letter also conveyed a *Nota bene*, reminding his Royal Highness of his resolution, unless a very considerable increase should take place by the 1st of April, that the Levy should be discontinued. There was another letter accompanying this, from the inspecting Field Officer, stating a variety of crimes and irregularities committed by the Non-commissioned Officers, who were even said to be busily employed in crimping for other corps. Then follows a letter from the Commander in Chief to the Secretary at War, of the 16th of April, stating, that as it appears by the returns of the joint Levy, that it is not so productive as might have been expected, it was to be discontinued. This was the mild sentence of the Commander in Chief passed on the Officers and Non-commissioned Officers, who had been engaged in the abominable practices complained of. This was his mild conduct when he was called on to do justice between the Public and a man protected by his own Mistress. Is there any man who hears me that can believe that such a Levy would be allowed for a single moment longer, after these representations, to disgrace the service? On the 20th of April following, Colonel French and Captain Sandon submitted to the consideration of the Commander in Chief, the continuance of the Levy under certain modifications; and the answer given to the proposition was, that his Royal Highness cannot give any farther encouragement to the prosecution of a Levy, which has turned out so unprofitable to the public service. This was the nature of the answer given by the Commander in Chief; but I venture to affirm, that under any other influence than that of Mrs. Clarke, such an insult as proposing on any terms to continue such a Levy, would never have been suffered to pass over. Those official documents alone, I think are sufficient to convince any impartial man of the undue influence by which the Levy in question was supported These documents afforded satisfactory proof, that the Levy was continued after there was evidence of incalculable injury having been produced by its existence to the country. For every guinea Mrs. Clarke received in consequence of this Levy, the people paid upwards of 140l. and a more destructive system in other respects was never carried on under any Government. If after all this there was any man who would say that the Duke of York did not stand convicted of being a party to this transaction, I am of opinion that there is no evidence on earth which, in the judgment of such persons, could make him privy to it.

MAJOR TONYN'S CASE.

I shall now proceed to the case of Major Tonyn.—Capt. Sandon stated the agreement to pay Mrs. Clarke 500l. on Capt. Tonyn's promotion to a Majority being gazetted, and Donovan produced a memorandum of that sum having been lodged in the hands of a Banker. Captain Sandon also stated that Captain Tonyn began to be out of humour on account of the delay, and to threaten to take back his money. He communicated his dissatisfaction to Mrs. Clarke, who called him a shabby fellow, and that he had better wait. That he consented to wait for a week or two longer. Captain Sandon reported this to Mrs. Clarke, and Major Tonyn was gazetted on the Saturday or Tuesday following. Mrs. Clarke's evidence went to this, that she recommended Major Tonyn to the Commander in Chief; that he was promoted through her means; and that she received 500l. on that account. In this she was corroborated by Sandon, who proved that the money was paid.

and Major Tonyn promoted. Also that he had shewn to Major Tonyn a note from the Duke of York, by which he was induced to wait.—Written evidence on this point, consists principally of letters from Mrs. Clarke to Sandon. In one she stated, that she had mentioned Tonyn to the Duke, and that he was perfectly agreeable. In another, that the Duke told her, he was so busy with the reviews on the Coast, that Major Tonyn could not be made for a month. He actually was not made for upwards of three weeks, and the reviews of the Coast were going on at that time. In another, she tells Captain Sandon that neither General Tonyn nor his son have any influence with the Duke. That his Royal Highness had ordered the Major to be gazetted, but that it was entirely owing to her (Mrs. Clarke). The Duke also told her of other applications which were making at the same time, which she related, and which shewed that she had daily communications on military subjects with the Commander in Chief.—From another letter it appeared that there was some objection to Tonyn's appointment. There was no doubt of a regular official recommendation, but this was a circumstance, of which, at all times, Mrs. Clarke was perfectly aware. She said she told the Commander in Chief she was to have a pecuniary consideration. Sandon states, that Tonyn was gazetted on the Tuesday following, and it was hardly possible to figure that it was not through her means. There was not to my mind a more convincing proof than the few words contained in the note addressed to Geo. Farquhar, Esq. of the privity of the Duke of York to the whole transaction. It had been strongly urged that Mrs. Clarke had forged this note; but, if this had been the case, she could never have thought of unnecessarily involving herself by directing to George Farquhar a note to be shewn to Major Tonyn. He could know nothing of the name of George Farquhar. It would have been more natural, when written for the express purpose of convincing Major Tonyn, that she had some power over the Duke of York, that the card should have been addressed to herself. The circumstance, however, of its being addressed to George Farquhar, must convince any man that it was the Commander in Chief's own writing. It was to be observed, if Captain Sandon was, if not hostile to the present enquiry, at least not friendly to it: but Mrs. Clarke did not seem to have been at all cautious as to the entrusting this note to Captain Sandon, which she would assuredly not have done had it been a forgery. How then could she have induced the Commander in Chief to write such a note as this, but by the very statement, that his not doing so would occasion to her a loss of 500l.; as without such a note she could not deter Major Tonyn from withdrawing, out of his bankers, the 500l. which he had placed there, to be paid over to her, on being gazetted.

COLONEL SHAW'S CASE.

The next is that of Colonel Shaw, in whose behalf an application had been made to Mrs. Clarke to procure him an appointment on the staff. Mrs. Clarke's evidence went to this, that she did recommend Colonel Shaw to the Commander in Chief for this staff appointment, and procured it for him. That the sum to be paid her was 500l. but that 200l. only were paid; and that not having received the remaining 300l. she complained to the Commander in Chief, who stated that he would put him on half-pay. Mr. Charles Shaw corroborated the fact as to the payment of the 300l. but denied that it had been made in consequence of the agreement alluded to by Mrs. Clarke. The written documents were, first, a recommendatory letter from Sir H. Burrard in favour of Major Shaw, the answer to which was, he must join his regiment. The 2d, a letter from Sir H. Burrard in favour of Major Shaw, stating that he had found a Major of the 39th eager to go to Ceylon, but that he was himself preparing, as fast as he could, however distressing it was to him. The answer of Colonel Gordon was, that having twice mentioned his name and wishes to the Commander in Chief, he could not again venture to do it. In the next application all hope of exchange is given up, and an application is made for leave of absence on account of ill health. This is agreed to, but with a hint that if his health be bad, Major Shaw had better retire on half pay. The next application stated the great expence of going on foreign service; and the answer was, that he must join his regiment by the first conveyance. These all went to the fact, that even under the pressure of misfortune, he could neither get promotion nor exchange. The assistance of Sir Harry Burrard for either of these purposes was inadequate, his interest, and that of General Archer, were insufficient to accomplish either. The last application from Sir Harry Burrard asks neither promotion nor exchange. Then follows a letter gratefully accepting for Major Shaw, the situation of Barrack Master General of the Cape of Good Hope, but without one word of half pay. The very interest, on the idea that these recommendations are all on the subject, which had repeatedly failed in procuring promotion or exchange, proves, all at once, equal to raise him to the rank of Colonel, and to place him on the staff, and that in the space of three days, I ask if it is probable, that a person who had formerly and repeatedly failed in all his applications of inferior importance, should, all at once, be able for the same person to procure a lucrative situation, and the rank of Colonel? Was it possible, I ask, to doubt, that this was rather done through the influence of Mrs. Clarke? I hope the House will bear in mind the probabilities and possibilities of her influence. That they would bear in mind her letters to Clavering on military, and to Dr. O'Meara on church preferments, and then say if her influence over the Commander in Chief did not allow her to shew it on far greater occasions than that of the appointment of Colonel Shaw. There was only one other point in this case, and that is his being put on half pay. The letter on the Minutes of the Committee from Colonel Shaw to Mrs. Clarke on this subject, shew, that he regarded himself as an injured and highly oppressed man; and that he attributes his reduction to half pay to Mrs. Clarke, in consequence of his having failed in payment to her of the whole of the 1000l. stipulated to be paid to her.

CASE OF MR. DOWLER.

This gentleman stated, that Mrs. Clarke first suggested to him that she could procure him a situation in the Commissary Department. Afterwards she told him that in consequence of an application made by Mr. Long, Mr. Manby must first be gazetted. He (Mr. Dowler) never took any step to expedite the business, nor applied to any other channel but that of Mrs. Clarke; that he paid her 1000l. for the appointment; and that she told him the Duke knew of his doing so. I submit that the mention of what passed as to Mr. Long and Mr. Manby was corroborative of this testimony, and put it beyond a doubt, by shewing that Mrs. Clarke had such communications with the Duke of York. Mr. Long, too, confirmed it so far as he was concerned, and there being no vestige of any other recommendation, it must be taken that it proceeded solely from the influence of Mrs. Clarke.

CASE OF SAMUEL CARTER.

Mrs. Clarke stated, that Samuel Carter was her foot boy; waited on his Royal Highness, who knew him perfectly well; that he went behind the carriage, &c. she obtained for him a commission from the Commander in Chief, He went into the army direct from her service. In this statement she was corroborated by several witnesses. A recommendation of this Samuel Carter, in December 1801, had been produced from the office. To March 1804, the application had never been renewed. It was apparent, therefore, it could not be on the recommendation in the year 1801, that the commission had been granted; for however well disposed the Office might have been towards his application, to have given effect to it, they must have known that he was alive, and the place of his residence, which could not be the case without a fresh Memorial. It was obvious therefore, that this was through the influence of Mrs. Clarke. The cases of General Clavering and of Dr. O'Meara, shew to what extent Mrs. Clarke's influence went, and made it difficult to say where it might stop. It was no great stretch, therefore, to say, that this appointment had taken place through her means.

MAJOR TURNER'S CASE.

On this case I shall only observe, that this gallant officer, who had seen a great deal of service, was impeded in his desire to sell out, in consequence of a letter from Mrs. Sinclair Sutherland, notwithstanding the recommendation of the General of the Regiment, Colonel Gordon had said attention would have been paid to an anonymous letter. In a case of this kind, an anonymous letter was better than Mrs. Sinclair's, for in it there might have been something; but that in consequence of a letter from such a source as this, a stop should have been put to the course of public business, that a stigma should be supposed for a moment to attach to the character of an officer formerly without stain, was unbecoming indeed. It was an honour to Major Turner to have his character cleared, but dishonour just in the same ratio attached to the other party, and if the Commander in Chief will attach himself to such a woman as that, and make himself a party with her, part of the disgrace must attach to him too. There was only one other case to which I wish to allude, and that is the case of Robert Kennett. But I have already detained the House too long. I have exerted myself to the best of my ability to do my duty. I have stated my sentiments distinctly and without disguise; and at the same time have endeavoured to abstain from any thing which the evidence did not warrant. It would be the last action of my life unnecessarily to hurt the feelings of the illustrious person who is the object of the present inquiry; but on the present occasion I had no choice. The country look to this House to decide on the conduct of the Commander in Chief. This House, I am satisfied, will do its duty; and with whatever decision it comes to I shall be content. I therefore conclude by moving—

That an humble Address be presented to his Majesty, humbly stating to his Majesty, that information has been communicated to this House, and evidence produced to support it, of various corrupt practices and other abuses having prevailed for some years past, in the disposal of Commissions and Promotions in his Majesty's Land Forces —that his Majesty's faithful Commons, according to the duty by which they are bound to his Majesty and to their Constituents, have carefully examined into the truth of sundry transactions which have been brought before them, in proof of such corrupt practices and abuses; and that it is with the utmost concern and astonishment his Majesty's faithful Commons find themselves obliged, most humbly, to inform his Majesty, that the result of their diligent inquiries into the facts, by the examination of persons concerned, together with other witnesses, and a variety of documents, has been such as to satisfy his faithful Commons, that the existence of such corrupt practices and abuses is substantially true.

That his Majesty's faithful Commons are restrained by motives of personal respect and attachment to his Majesty, from entering into a detail of these transactions, being convinced that they could not be stated without exciting the most painful sensations of grief and indignation in the breast of his Majesty: That the proceedings of his Majesty's faithful Commons upon this important subject have been public, and the evidence brought before them is recorded in the proceedings of Parliament; and that they trust his Majesty will give them credit, when they assure his Majesty, that in the execution of this painful duty they have proceeded with all due deliberation. That without entering into any other of the many obvious consequences which may be expected to follow, from the belief once generally established, of the prevalence of such abuses in the Military Department, there is one great and essential consideration inseparable from the present subject, which they humbly beg leave, in a more particular manner, to submit to his Majesty's gracious consideration, namely, that if an opinion should prevail amongst his Majesty's Land Forces, that promotion may be obtained by other means than by merit and service—by means at once unjust to the Army and disgraceful to the authority placed over it, the effect of such an opinion must necessarily be, to wound the feelings and abate the zeal of all ranks and descriptions of his Majesty's army.

That it is the opinion of this House, that the abuses which they have thus most humbly represented to his Majesty, could not have prevailed to the extent in which they had been proved to exist, without the knowledge of the Commander in Chief; and that even if, upon any principle of reason or probability, it could be presumed that abuses so various and so long continued could, in fact, have prevailed without his knowledge, such a presumption in his favour would not warrant the conclusion, that the command of the Army could, with safety, or ought, in prudence, to be continued in his hands.

That on these grounds and principles his Majesty's faithful Commons most humbly submit their opinion to his Majesty's gracious consideration, that his Royal Highness the Duke of York ought to be deprived of the Command of the Army.

The motion being seconded,

Mr. BURTON declared he had felt it his duty to bestow on the present case all that attention to which its importance entitled it. He had had the pleasure for thirty years of knowing the Honourable Gentleman who had brought forward this business, and had occasion to admire his zeal, skill, and bravery, in his command in Ireland. When he came to the present investigation, therefore, he felt a bias for rather than against it; he should therefore be acquitted of any partiality in having now brought his mind to a very different conclusion. He should state to the House the way in which he had made up his judgment. First he had attended during the examination of the witnesses, for the purpose of judging, as far as a person in his state could do, of the mode in which they severally gave their testimony. He had since had the whole read over to him once; part of it twice; and the greater part three times. He had then thrown out of consideration that sinful part of the connection which unfortunately too clearly attached to the Royal Person who was the object of the Inquiry, for that was not the subject of consideration. His next object was to disencumber the proceedings of all that was not strictly evidence in a Court of Law. It might be objected, why did he not do this in the Committee? His answer was, the business of the Committee was one thing; his duty now was another. In its inquisitorial capacity the Committee could not be limited; it was not only to hear evidence, but to endeavour to sift it out, and to trace it to the fountain head. But when the House came to decide, it was their duty to throw aside all hearsay evidence; every thing that did not arise from the knowledge of the parties. The next thing was to disencumber it of the evidence of such witnesses as would not be heard, at least would not be credited, in a court of justice. Of this kind were accomplices, whose testimony was not corroborated by other unimpeachable witnesses, and that, too, in points which connect the crime with the party accused. If the law were otherwise, the life, liberty, and property of every person in this country would be at the mercy of the foulest of men.

The Learned Gentleman said, that the statements before the House upon this subject, as they bore upon the accused, came from persons who were either so contradicted by themselves, or by others, that they could not claim credit in any court of justice whatever. In this situation stood many, if not all the material witnesses. Of this description he particularly instanced the case of Captain Huxley Sandon and Mrs. Favery. The House must recollect that Mrs. Favery not only contradicted herself, but was contradicted by others who were unimpeachable in their character. She stated upon her first examination, that Mr. Ellis, in whose service she had lived, was a carpenter, that he had no settled residence—that he took lodgings from place to place—that she believed him to be dead. She indeed could not name the street in which she lived with him, although she was in his service for two years and a half. She did not go into the country with his children. He was flying from one place to another in order to avoid his creditors. But how did this fact turn out, and why that Mr. Ellis was a respectable clergyman, that he was master of the Merchant Taylor's School, that far from seeking to screen himself from his creditors, he had resided for several years in the same house, that Mrs. Favery had gone to the country with his children, and that he had never gone to any other place from his usual residence but Brighton. It also appeared in the testimony of Mr. Ellis, that Mrs. Favery and Mrs. Clarke were so familiar that he conceived them to be relations. Upon this evidence, indeed, he should be ashamed to dwell, as there were so many material points (between 10 and 15) in which she was decidedly contradicted, and which rendered it impossible for any just man to attach credit to any thing she alleged, or any corroboration she affected to afford to others. Her testimony, therefore, he should entirely lay out of consideration, as a Judge must such a witness adduced in any case affecting even the meanest prisoner. To the testimony of Huxley Sandon, he did not think it necessary to allude, as the misconduct of that person was so glaring as to incur the immediate and signal chastisement of the House. And, with regard to Mrs. Clarke, he would briefly say, that he did not consider her as entitled to any degree of attention, he meant as "connecting the offence with the offender." Having had the allegations of that woman read to him; also having heard her before the Committee; and having closely attended to her throughout, he had in his recollection and the notes to which recollection referred were in his pocket, that there were no less than 28 instances in which she had contradicted herself, in all of which, with the exception of one or two, she was also contradicted by other persons, who could set the world at defiance with respect to any impeachment of their character and credibility. All these instances he could not pretend to enumerate from memory, but he could refer to them if requisite, and the result of his consideration of her testimony was a complete conviction that it deserved no credit. Upon her examination or cross-examination, nothing could be obtained that was likely to make against her. She had no knowledge of any such things, or she could not recollect. Her memory was peculiarly accommodating. When interrogated, whether she had generally represented herself as single or married for particular purposes; she did not recollect that she ever did state that she was a widow, but once at a Court-Martial, and at another time for a joke; yet proof was afterwards offered directly contradicting her. It was proved, upon the evidence of Few, that she gained credit from him, describing herself as a widow, stating also that her husband had been but a short time dead. But if there were gentlemen indisposed to pay any attention to Few, would they not give credit to Nicholls, *(hear, hear, on the opposition bench)*, to whom she stated, that she had been a widow only three months. (Upon a cry of *hear, hear*, the learned Gentleman corrected himself, and stated three years). Was it not known, in fact, that notwithstanding this woman's representation, that she had only twice said she was a widow, and that she went by no other name but Clarke, the reverse was the case, and particularly in the instance of Dowler; and any person so disposed to trifle with evidence as to reject the allegation of four persons upon this point? Did she not go by the name of Dowler at Hampstead? Nay, did it not appear that she described herself, although living separate, as actually married to that man? Did she not, in fact, assume different characters and capacities, but, above all, the name of her particular Dowler? The assumption of this name, indeed, was quite manifest from the deposition of Mr. Reid, of Slaughter's Coffee-house. This man could not be supposed one of the conspiracy insinuated to exist for the purpose of defaming the evidence brought before the Committee; and what did he state? Why, that Mrs. Clarke came to his house as Mrs. Dowler; that, indeed, he would not have received her in any other character; that he would have been ashamed to do so. The testimony of Reid, the House would remember, was supported by that of his waiter and porter *(a laugh)*. The Learned Gentleman deprecated the attempt to laugh away the character of a poor honest man. This porter alleged, not only that Mrs. Clarke was considered as Mrs. Dowler at his master's house, but that he took wine to two places to Mrs. Dowler, to Bedford-place and Westbourne-place —and was he told at either of these places that there was no Mrs. Dowler there? No, the wine was received and the name thus acknowledged. But he would not rack his memory by looking for the various instances which occurred in this woman's evidence, to prove that his description of her was just. He would repeat his averment, that there were no less than twenty-eight such instances, and the impression upon his mind regarding her was consequently this, that were he sitting as Judge in any Court where such a witness was presented, he should feel it his bounden duty to state to the Jury that her testimony should be entirely excluded from the consideration of the Jury, so far as it affected the party accused—he would deem it quite extraneous. There were two questions for the House to consider upon this woman's evidence, which in their nature were quite distinct—First, as it related to corrupt acts; and next, as it connected the party accused with that corruption. He would not detain the House upon the first, for it was undeniable that many corrupt and foul proceedings had taken place in which this woman was implicated; but the evidence connecting such conduct with the party accused was very scanty indeed. An inquiry into the minutes of this evidence, and reference to papers, he must leave to others who were, from the possession of the blessing of which he was deprived, more competent to the business. [The Learned Gentleman has to deplore the loss of sight.] But there were some points to which, from memory, he was enabled to call the attention of the House. First, then, as to the case of Knight and Brooke, and the payment of 200l. to Mrs. Clarke for her affected interest in promoting the exchange of those officers, any implication of the Duke of York in that transaction rested wholly upon the evidence of Mrs. Clarke. If her evidence was left out of view, there was nothing, he averred, " to connect the offence with the offender." Her evidence, indeed, was completely contradicted by the testimony of Colonel Gordon, who was so fully competent to speak to the whole of the proceedings, and who, from the intelligence, consistency and correctness which he manifested throughout his examination was eminently entitled to attention. But what was the statement of Mrs. Clarke? It was clear that she received 200l. for a corrupt transaction. Well then, she asserts that it was with the privity of the Duke of York; but what is the proof? First, who paid the money, and what circumstances occurred to prove the Duke's privity? Mrs. Favery stated that she took the note down stairs from her mistress to have it exchanged when the Duke was gone into the country. *(No! No! from the Opposition Benches!)* Going then, said the Learned Gentleman—Mrs. Favery, however, did not pretend to tell that she knew the amount of this note—Lodowick, the Duke's servant, and the only servant who went to Mrs. Clarke, who was said to have exchanged it, deposed that he never exchanged any but a 10l. note upon any occasion of his visits to Gloucester-place—Pearce, the butler, upon his first examination, did not remember the exchange of any note whatever; but upon his second examination his memory was more accurate, he was, however, " subject to a terrible head-ach, which affected him in the first instance, and which affected his memory;" but it did seem on his last appearance as if something else had occurred to improve the witness's memory—he did recollect to have exchanged a note for Mrs. Clarke at a confectioner's, but what of that? What had that to do with the question under the consideration of the House, supposing Mrs. Clarke to have sent a note of 100l. to be exchanged, did it follow that this was a note obtained by her from Mr. Knight, with the privity of the Duke of York? Was this the only note Mrs. Clarke had in her possession? Was it not known that she had many notes from the Duke of York? Was it not known that Lodowick had repeatedly taken her notes from the banker, and what reason appeared to justify the conclusion that the note exchanged by Pearce was not one of those notes, and not the fruit of a corrupt bargain with Mr. Knight? Let it be recollected that Mrs. Clarke had been enabled to fix a time for the first application upon the subject of this exchange to the Duke of York, and that time appeared not from her own evidence, but that of the Honourable Mover of the accusation, to be the 25th of July. Yet from the documents in the Office of the Horse Guards, it appeared that the Duke of York's approbation of the exchange was signed upon the 23d of July, and the Royal fiat obtained upon the 24th. This, therefore, was a case not only repugnant to direct evidence, but contradicted by the testimony of Mrs. Clarke herself. This, however, was but one of the many contradictions which that witness presented with regard to this and other cases adduced by the Honourable Mover. Knight, who was an accomplice in this transaction, who gave her a bribe, directly contradicted her assertion, by stating, that she expressly said she was anxious to conceal the business from the Duke of York. This was a point which she appeared quite resolute in denying; nay, she repeatedly insisted upon it, and yet she is flatly contradicted by Mr. Knight. When asked whether her desire of concealment did not appear to refer to the public, he answered decidedly, no; but that she said, the business would be fatal to her if mentioned to the Duke of York. What then was the natural inference from such solicitude on her part? If the Duke of York were capable of conniving at her corruptions, why should she be so anxious to conceal this transaction from his knowledge? But the nature of her motive was obvious. She pretended to possess an influence through which she was enabled to impose upon ignorant persons, and obtain money; but she apprehended that the source of her imposture would be removed, her scandalous traffic disconcerted, if such conduct as this case involved were made known to the Duke of York. Hence her desire for secrecy, and hence a natural presumption against the connivances imputed to that illustrious personage.

The second case adduced by the Honourable Mover was that of Captain Maling. From this, as at first stated, it was hoped to infer some charge of corruption, by proving that a young man was, through the corrupt influence of a person with whom the Duke of York is supposed to have an intimate connection, promoted to a Captaincy, without any merit or service. But it turned out, that the young man alluded to had been in actual service, was highly deserving of the promotion he obtained, and was recommended by no less a person than General Frazer. In this case there was not the slightest ground for imputing corruption; and there was obviously none in the promotion of Captain Maling, at the Horse-guards. It might be argued, that this officer did not possess the requisite qualifications for such advancement. But if there was ground for the charge of corruption, it formed no part of the province of that House to enter into argument as to the right or claims of military officers for promotion. The assertion of such a principle would, indeed, be an infringement upon the prerogative of the Crown, far exceeding any he had ever heard recommended by the most strenuous advocates for the rights of the people. No one popular advocate had ever yet maintained, that military promotions should be disposed of according to the will of the House of Commons, or that the House should interfere in such disposition. On the contrary, indeed, he recollected to have heard the great Lord Chatham say, that to deprive the Sovereign of the privilege of military promotion, would be to pluck the master-feather from the eagle's wing.

Now as to the case of French's levy, although at first view attracting much attention, it turned out upon examination that the Honourable Mover had merely made an effort at proof, at which his failure was soon obvious. Colonel French was in fact an officer whose claims for preference upon such an appointment were well known. This was not the first levy he had been appointed to raise —this was not the first instance in which he had been afforded the opportunity of rendering himself useful to his country. He had, in fact, many and important services to plead in his behalf. As the evidence of Sandon was of course deserving of no attention, and as the allegation of Mrs. Clarke was in his opinion of no weight, unless corroborated, there was in this case only one material witness to consider, namely, that of Miss Taylor. But who, he would ask, was this Miss Taylor, and what were the grounds upon which her claim to credit rested? She was the associate, the intimate friend of Mrs. Clarke; and yet, if she is to be credited, this affair of French's levy was the solitary instance in which the subject of military promotions was touched upon in her presence. If this witness were to be credited, she was admitted to dine with the Duke of York; nay, his Royal Higness was so fond of her, that she was quite familiar, and frequently present at conversations between his Royal Highness and Mrs. Clarke. Yet this about French's levy was the only instance in which any allusion was made to military promotions. Let this rest upon the mind of the House. But what was the nature of this allusion! Why the Duke of

York, as Miss Taylor said, addressed Mrs. Clarke in something to this effect—"French is very teazing to me—how does he behave to you, darling?" To which she answered, "middling—not very well." Upon which rejoined the Duke, "Let Master French take care, or I'll cut up him and his levy too." Now was it probable, that any thing like this would have been said if there had been any corrupt bargain, and that too in the presence of a girl who had never heard the subject of Military Promotions touched upon before? The Duke's complaint of French's levy, implied no connivance upon his Royal Highness's part at any corrupt transactions of Mrs. Clarke's. It might rather be conceived to mean an appeal to the opinion of that woman, whether French was not generally a teazing or troublesome character. Certainly the meaning imputed was not to be inferred upon any principle of liberality or justice. It was stated by Mrs. Clarke, that she was to receive 2000l. from Colonel French; and some of that money was said to have been paid by Sandon. She was to receive more as the levy went on. Now considering probabilities, and comparing Mrs. Clarke's contingent interest in the continuance of the levy with Mr. Grant's testimony, could it be credited that if there was a corrupt contract in which the Duke of York was to participate, or had connived, Colonel French's levy would have been put an end to, so very soon too after Miss Taylor had heard the alleged menace? But good causes were easily discoverable for the dissolution as well as for the commencement of this levy. It would be recollected, that several men were wanted at the time of its commencement for general service, and particularly for the East Indies. It would be recollected also, that the spirit of recruiting for that description of service was considerably damped, by the combined influence of the Additional Force and Army of Reserve Acts. Out of these causes in fact such difficulty arose of obtaining recruits, that the levy was put an end to. This levy, therefore, originated in the necessity that existed for men, which there was a hope of producing through the activity of Colonel French, and when the hope was found vain it was terminated.

The next case calling for consideration was that of Tonyn, and here he maintained that nothing occurred in the evidence to implicate the Duke of York. Mrs. Clarke, it appeared, resorted to her usual pretence of influence in military promotions, in order to obtain money from Tonyn. But it was obvious, that the promotion of that officer took place in a manner not in the slightest degree owing to her interposition, and according to the evidence of Colonel Gordon, Captain Tonyn was recommended by his father General Tonyn, and advanced to his majority in a general promotion which took place upon the general recommendation of the Commander in Chief, including no less than 53 officers, 13 of whom were junior two or three years to Captain Tonyn, and therefore no probability warranted the slightest suspicion of Captain Tonyn, owing his promotion to undue influence. This case, it was attempted to bolster up by the mysterious note; but sure he was that no Jury would have found a verdict upon the genuineness of that note. If it referred to Tonyn's promotion, was it probable that the Duke of York and Mrs. Clarke would have forgotten it? This note merely stated that "Tonyn's shall remain as it is," and in all probability that referred to some other business than that imputed. Certainly that imputation could not be fixed upon any principles of humane, just, or legal interpretation. The learned Member pursued his observations upon this note by reciting the evidence of Sandon and Colonel Hamilton respecting its supposed destruction, its subsequent discovery, the envelope, and the post mark, which bore date five days subsequent to the actual gazetting of

Tonyn. This he considered as an irrefragable proof that although the case was corrupt in itself, having in view extortion from Tonyn, the Duke of York had no connection with such corruption.

In the appointment of Shaw, the Learned Gentleman expressed his conviction, from a full review of the evidence, that Mrs. Clarke had no influence, although, as usual, she extorted money; but that it was attributable to the active and earnest application of Sir Harry Burrard.

Upon the only remaining part of the matter, properly subject to the consideration of the House, as the Learned Gentleman conceived, namely, that of Carter, he expressed a wish that the Honourable Mover had yielded to the voice of liberality, to the declared request of Mrs. Clarke herself, by omitting any illusion to such a case—by not attempting to bolster up a falling cause, by the introduction of a case which any one possessed of the common feelings of humanity should decline to mention. It appeared that this young man, Carter, was an orphan, and not one of common class, but the orphan of a meritorious officer, who had bled in the service of his country. (*A cry of No! no! —no evidence of that.*) The fact was, that no corruption was at all ascribable to the case of this lad. Did it not appear that he was recommended in 1801 by Capt. Sutton, of the artillery, and that he was not brought up after the manner of a servant? His letters, indeed, manifested a superior degree of education. Let it be recollected that he was recommended and promised promotion in 1801. As to his connection with the family of Mrs. Clarke—as to his assisting other servants cleaning knives, or his going behind the coach only twice, as the coachman stated, and whether by night or day, was not mentioned; the Duke of York was not proved to know any thing of that. The principal employment of Carter was to go to school, and was that the usual occupation of a servant?—was it proved that the Duke knew any thing of Carter's acting at all as a servant, except in waiting upon himself at dinner. (*A loud cry of hear! hear!*) Were gentlemen who cried hear, hear, he would ask, so ignorant of the world as not to know that many of their superiors waited at table on Princes of the Blood Royal? He would ask also, why servants, with the education of Samuel Carter, were unworthy of military promotion? Were gentlemen so unacquainted with the army as not to know that many persons originally inferior in rank to servants, now held commissions, and formed some of the highest and most respected ornaments of the military profession? Why then reflect upon such a young man as Samuel Carter? God forbid that the House should be so forgetful of the duty which it owed to humanity, and to its own character, as to find fault with the Duke of York for such a promotion as actually entitled him to praise.

Having gone through the several charges advanced against the Duke of York, the Learned Gentleman submitted some general observations.

The Honourable and Learned Gentleman proceeded to advert to that part of the case that related to the extravagant expenditure of the Duke of York. He (Mr. B.) had many years ago conversed with the gentleman who had charge of the tuition of two Royal Personages, he meant the Prince of Wales and Duke of York. That Gentleman, in commenting on the capacities and dispositions of his illustrious pupils, had declared in substance, that he could teach them Greek, Latin, Arithmetic; any thing but the knowledge of the value of money, (*A laugh*) the use of a guinea; it was not their natures to learn the real value of money, nor could he be led to believe that the Duke of York could be tempted to be guilty of corruption for such paltry considerations as had been mentioned in the evidence, especially when he had such ample means within his power, no less than the disposal of upwards of eleven thousand commissions; this to a corrupt man, would be a never failing source, it would be a sort of *mill* that would grind money when and how he pleased. It had not been so employed, and this was in itself a much stronger presumption than that on which the charge itself was made to rest; was it to go for nothing, the way in which it had been proved that the Duke of York had instituted an inquiry into the money transactions of Mrs. Clarke? Did this look like a consciousness of participating in the emoluments of her traffic? For this inquiry he had appointed a person of the name of Lowton—one who must have discovered any proceedings of that nature if they had been going on. Corrupt men were generally surrounded by corrupt agents. Who were those in the immediate confidence of the Duke? Generals Lorraine and Brownrigg, and Colonel Gordon, a gentleman possessed of every quality that can invite and maintain friendship. Thus had he gone through the material points of this case, as far as his memory served him; and were he sitting in his own Court, as a Judge, he would feel himself warranted in declaring, were the same evidence before him in that place, that there was no ground whatever for any of the charges brought against the Duke of York. There might be, perhaps, some imputations thrown out against him, that his opinion on this subject might be influenced by either a devotion towards Ministers, or to any other quarter. He solemnly protested against any such imputations, and called upon the House, before they lightly gave credit to them, to consider his years, his personal misfortune; there was no man in that House, or in the country, who had so little to hope or to fear on this side of the grave as he had; but as he valued his interests in the world beyond the grave, so did he in that great question take that part which was most consonant to the dictates of his conscience. Before he sat down he expressed his disapprobation of the resolutions, and did not see why the House should abandon its prerogative of judgment in the first instance.

Mr. CURWEN began by observing that he could no for his part, see the necessity of the Honourable Gentleman entering into the professions he had done of purity and sincerity of intention. He (Mr. Curwen) disdained to make any such professions; he would leave it to his conduct to speak to the character of his principles; it was the less ambiguous text, and he would never be disposed to substitute vague profession in its place. He therefore did not understand why the Honourable Gentleman who had just sat down, had thought it necessary to make them, or why he suspected that he might be the subject of such imputations. In every view of the present question, its importance was transcendant; never, within those walls, had so important a question been discussed. It therefore became the House to look well to what the country expected from them—the eyes of England were upon them, and every man, as he valued England, should make up his mind, however painful and delicate the task, to discharge his duty to the people firmly and conscientiously. He set out with insisting that it was not necessary to prove the actual participation of the Duke of York in the corruption. If there had been evidence produced proving that great and shameful practices of corruption had prevailed in that department for many years back, he contended for it that, even admitting his innocence, as to the knowledge of such practices, still his very ignorance of them was more than sufficient proof that he was an unfit person to fill the high and responsible situation he now holds. *(hear! hear!)* But is it for a moment denied that the existence of those abuses have been satisfactorily proved? There was no doubt left in the mind of any man as to that point; and what then was the strongest defence set up for him? That though such transactions might have taken place, he was ignorant of them, so that his defence admitted his incapacity; for surely it was his duty to have detected those abuses, to have extirpated them from the army. He would say, then, that defence resorted to, proved that the Duke of York (even admitting his innocence on the score of corruption) was so remiss in the discharge of his duty, that in justice to the army, in justice to the public, he ought to be dismissed from it. But the Learned Gentleman who spoke last had said a good deal upon the nature of that evidence coming from an accomplice; why, no doubt it was not so unquestionable as that of witnesses not implicated, but where, he would ask, were they to find witnesses, or how come at the proof of corruption but from accomplices? how, but from those who were themselves engaged in corrupt practices? But, was there nothing corroborating that sort of evidence? He did confess he was astonished at the very partial and circumscribed view the Honourable Gentleman had taken of the evidence. When the charges were first brought before them, he did believe that there was not a man in that House who did not wish from his soul that they would not be proved. (*hear!*) But now, after the evidence has been gone through, how few were there present who could from their conscience say, with the Learned and Honourable Gentleman, that in that evidence there were not grounds for those charges. *(hear! hear!)* The first case was Colonel French's Levy. Here he would ask but one question:—Why, after Colonel Taylor's report, was Colonel French permitted to continue? Why not dismissed? Why so totally overlooked? Two hundred men in nine months! Could His Royal Highness have been deceived upon this point? Was it all a mistake on his part, owing to a deficiency of education, to his not having been taught to count, as the Learned Gentleman seemed so greatly to deplore? But taking the question in another point of view, for hitherto he supposed the Duke innocent of corruption, and argued that his avowed remissness was such as imperiously called for his dismissal —but in the other view of the question—whether or not the Duke gave his sanction to corrupt practices, this was a part of the case on which the House was called upon for its most solemn judgment. Look then to Major Tonyn's case; the letter that had excited so much interest had been denominated by the Honourable Gentleman a mysterious letter. Could that Honourable Gentleman have seen that letter, he (Mr. C.) was sure he would not have applied to it such an epithet. He never saw a paper more destitute of mystery. The evidence to the authenticity of that letter was in the recollection of the House. They saw Colonel Gordon when it was handed to him; they could not but have been affected with his emotions, and have felt for his situation. The answers which, as a man of honour, he felt himself bound to give, were given in a manner as if they drew drops of blood from his heart. The House too would remember how Colonel Gordon's evidence was borne out by that of General Hope, given with a candour truly characteristic of that gallant officer; and how both were confirmed by the subsequent testimony of the Learned and Honourable Gentleman who followed them. There was too a circumstance which did not appear to him immaterial:—the paper on which this note was written was *office-paper,* a commodity not likely to occur to any one who would forge such a note. In short, he did believe in his conscience that that note was in the genuine hand-writing of the Duke of York; that it was his letter; and that the letter was written for the sole purpose of preventing the money being returned. Here then was one instance that went to prove the Duke's sanctioning corrupt practices; and if the House believed that, or any single instance of such conduct, could they hesitate in agreeing to the Resolutions? Was a man capable of countenancing or conniving at corruption, fit at any time to hold any, the humblest post under the Government, but at such times as the present, was the second subject in the realm to be allowed to fill the most important office under the Crown, after he had given, with impunity, such an example to the People of England? It would be a vain, a dangerous attempt to try to narrow their great judicial inquiry within the petty limits of legal nicety; were they to be driven from the grand object of national investigation; to detect, trace, follow up, and hunt out corruption, appear where and when, and how it may, however qualified, however disguised, or however sanctioned; this was their object; this was what their constituents would expect, and had a right to expect from them; they were not to be driven from it to search for legal distinctions, or lose themselves in desultory discussions upon forms. It was not an Old Bailey case. (*hear!*) They, as Representatives of the People, were not to be deterred from condemning what was criminal, by being told that they were travelling out of the record; where there was criminality, where there was corruption, he would not stop to examine the intricacies of the laws of evidence, or to square opinion with opinion, or charge with proof, but expose it at once, without waiting to ascertain from Learned Gentlemen whether it lay within the record or not. He would therefore open his ears to every charge of corruption, and he could not here sufficiently express his astonishment that the Learned Gentleman who had preceded him, long, and no doubt ably as he had gone into the charges, should have wholly overlooked the evidence of General Clavering and his letters. (*hear! hear!*) Did those letters tend to prove no long and habitual intercourse upon the subject of the corrupt bartering of promotion? and as to this point, did Miss Taylor's testimony wholly go for nothing? The Honourable and learned Gentleman had, at great length, gone into an exposure of the gross prevarications of Captain Sandon; perhaps the House thought that unnecessary; but what must they have thought, or, at least, how much must they have been at a loss to discover the object of the Honourable Gentleman, when, after having resorted to every means to shew, and succeeded in shewing, which certainly was not very difficult to do, he then proceeds to argue from that evidence which he had just overturned? The next case he should advert to, was that of Colonel Shaw. Was there, or was there not, a corrupt motive operating somewhere as to the appointment of this officer, the many prior refusals and subsequent sudden reduction to half-pay? But why was he reduced? The influence which had raised him, deserted him as soon as he failed to make good his bargain; the fact evidently was, that they had not kept their word, they had not made good their contract, and he was reduced accordingly; so that this rather tended to confirm the very charge it was supposed by some to do away. Upon the article of expenditure a great deal had been said. He had heard the Duke defended on the score of that disposition to generosity that was to be considered as rather an amiable weakness. He must be glad to hear any thing commendatory of the royal disposition of the illustrious person, but was there not some stubborn facts as to the pawning of jewels? Were there not diamonds in pawn? And was it in consequence of this amiable weakness that they had been pawned? But he put it to any one man who heard him, would he, in the case of such a connection, have suffered that person to have encountered expences, so far beyond her means, without providing some sort of re-imbursement? The Learned Gentleman had told them of the means to which the Duke, if corrupt, might have resorted. The Honourable Gentleman had compared it to a mill, that could grind an inexhaustible supply. Why, perhaps, such a source of corruption might be so illustrated; but then it would be more just to call it a wind-mill—it would not go at all times; nor, perhaps, could it be safe to set it a going at all times *(a laugh)*. He, however, agreed with the Honourable Gentleman, that there was ample power, and he feared too much opportunity, to abuse, and grossly abuse, the high trust dedicated to His Royal Highness; and therefore was he of opinion, that it was impossible for that House to be too cautious, to look with too jealous an eye to the manner in which the great means and duties connected with that high office are disposed and administered. When the charges were brought forward he felt deep regret; but he felt much more in seeing how those charges have been supported, how fully they have been established. It was, indeed, a most painful reflection, that such charges could have been brought up home to such a personage. He strongly felt for him. His situation must be infinitely more afflicting to him than the severest penalty of the law could be to an ordinary offender. The loss of life cannot to him be for a moment comparable to the loss of character. He lamented it—he deplored the conduct that led to it.

He must again say, he felt for him most sincerely; but he, and every member in that House must, upon this solemn occasion, do their duty; there was no alternative; it was in vain for them to shut their eyes; the country would not shut theirs: but rather let them rouse themselves firmly and manfully to the discharge of a painful, but a paramount duty. These were not times to screen corruption; meeting and overthrowing it was what they were now called upon to do; and if the House did their duty, it would be a more splendid, and at the same time a more useful victory, than the most glorious they could gain over Bonaparte. Before he sat down, he would say one word on Carter's case. He thought it a strong charge, and he thought that charge had been proved. The precedent of transferring a foot-boy, from behind a carriage, to the situation of an officer in his Majesty's army, went to sensibly affect that nice sense of honour, which was indispensable to such a situation, and which might be said to be the principle of the army. This was a serious charge, and he thought that the Honourable Gentleman (Colonel Wardle) would not have discharged his duty to the public, if, being apprised of it, he had not brought it forward.

THE CHANCELLOR OF THE EXCHEQUER. — Mr. Speaker; The attention which I have felt it my duty to give to this most important case, during the whole progress of the enquiry, made me anxiously desire to seize the earliest opportunity of submitting my opinion upon it to the consideration of the House; and I should, Sir, unquestionably have presented myself to your notice, as soon as the Honourable Gentleman, who opened the debate, sat down, if I had not seen my learned friend (Mr. Burton) prepared to address himself to the House, under circumstances which could not but make me as desirous to give way to him, as they must have made the House anxious to hear him. I felt, Sir, that his situation, so perfectly unconnected with party, his judicial character, his experience, his years, every thing, in short, which does exist in him, and which I am sensible is wanting in myself, entitled him justly to the previous attention of the House. If I had intervened, and disappointed his wish to deliver his opinion at that time, the fatigue and exhausture arising from a protracted debate, might possibly have disabled him from addressing us at all, and the House would have had to lament the loss of all that light and instruction, which it has derived from his speech; a speech, Sir, which I will venture to say, considering the nature and object of our enquiry, and considering the weight and authority of my learned friend's opinion upon such a subject, was one of the ablest, most impressive, and most seasonable, which could possibly have been offered to our attention.

Although my learned friend has anticipated many of those topics, on which I should otherwise have thought it my duty to have troubled the House at considerable length; yet the great variety and importance of the materials on which our judgements are to be formed, will, I fear, still oblige me, however desirous of confining myself within the narrowest limits which the extended nature of the subject will admit of, to trespass to a great extent upon the patience and indulgence of the House. I should, therefore, be guilty of as great imprudence with a view to the interests of the cause, as of injustice to the House, if I were to waste any time in apology or unnecessary prefatory observations. I will, therefore, endeavour to bring the attention of the House directly and immediately to the important subject and substance of the question.

In order to do this with any useful effect, it is necessary that gentlemen should cast back their recollection for a few weeks; that they should recall the *manner* in which the question now before us was originally introduced, and compare it with the state in which it stands at the present moment. I entreat the House, Sir, to lend its patient attention to this review: I will afterwards proceed to explain the light in which the case presents itself to my mind; a light, which if it be the true one, will lead us to the adoption of sentiments and proceedings very different, indeed, from those which have been proposed by the Honourable Member, who stands forth the accuser of the Duke of York.

The House, Sir, will recollect, that when the charges were first brought against His Royal Highness, they were opened as charges of GROSS CORRUPTION. The Honourable Gentleman undertook to prove, and personally pledged his character to this House that he would prove, that His Royal Highness had been guilty of BASE, PERSONAL CORRUPTION;—not, that he had been guilty of any neglect of his official duties; not, that he had been deficient in that attention, which their importance and their extent required; not, that he had been guilty of moral irregularities, of indiscretions, or of any offences of a more private nature, or of a minor character;—but the charge against the Duke of York, was a charge of CORRUPTION; *corruption*, base and infamous in any man, doubly base and infamous in one of so exalted a character, and so eminent a station. It was on that ground that the Honourable Gentleman recommended this enquiry to the House, and it was on that ground that the House adopted it. Upon such a charge, Sir, when once made against such a character, I cannot doubt but the House will feel it their indispensable duty, to pronounce a direct, a decided opinion.—Is he, (aye or no,) upon the charge of corruption, guilty or not guilty?—that is the question proposed to us,—the question from which we cannot shrink—the question which we must decide.

Such a charge having been brought against any individual,—the highest in the kingdom or the lowest, no matter which; a charge involving every thing dear and valuable in honour, in interest, in life; a charge, which, if proved, must condemn him to misery, degradation, and infamy, for ever; would it not be due to any one, and is it not due to the Duke of York; nay, is it not due to the public; is it not essential to the honour and character of this House,—that they who have distinctly received and entertained such a charge, should as distinctly and unequivocally dispose of it? To the public, Sir, it is unquestionably due: for if the view of the Honourable Gentleman (Mr. Curwen) who spoke last, is correct; if there are abuses existing, such as those which are described by him, and which are charged by the Honourable Mover of this enquiry; it is the important, the essential duty of this House to hunt out those corruptions, to drag them forth to public view, and to public resentment, and, bringing the guilty authors of them under the lash of those laws which they have violated, to subject them to the punishment and disgrace which they have so justly deserved. But what is the course which the Honourable Gentleman prescribes? He made his charges openly, fairly, and manfully: does he support them fairly and manfully to their conclusion? The address which he proposes appears to me to be no less inconsistent with the manner in which the Honourable Gentleman preferred the charge, than the adoption of it would be disgraceful to the House. Can it be gravely proposed to us; that we should conclude our long and laborious enquiry into this important subject, with an opinion which we affirm with hesitation, and almost retract as soon as we affirm it? Can it be seriously intended that we should state, not that, in plain language, the accusation of corruption is specifically established,—not that it is impossible these corrupt practices could have existed without the knowledge of the Duke of York; but, as if the truth or falsehood of that allegation was a matter of indifference, that, whether they existed without his knowledge or with it, it amounts practically to the same thing; the conclusion must be still the same; and this house must equally in either case address the King to remove him!

Can the Hon. Gent., can any man in this House, really think it consistent with our character, thus to leave this great question of corruption, this question of such high guilt or innocence, undecided? It might be true, indeed, that after acquitting His Royal Highness of the charge of corruption, after absolving him from that base, despicable, and detested crime; we might yet find some instance of neglect of duty, some circumstance marking a want of attention to the interests of the public, some offence of a lighter dye, more or less, even of a public nature, which might appear still to require the censure of this House, and still to call for his removal from office. But would this address be a proper mode of proceeding in such a case? Shall we, if in our deliberate opinion His Royal Highness is not guilty of corruption, act as the Honourable Mover would recommend us? Would the House in the case of any individual, will it in the case of the son of our Sovereign, a servant of the public, who has so ably and so usefully served his country during the fourteen years in which he has presided over the army; who has done so much for the comfort of the soldier, and for the interests of the meritorious officer; who has improved the condition of that army; who has brought it to a state of discipline and perfection unprecedented in any period of our history; who has made it, as it now is, the dread of our enemies, and the admiration of the world; will the House, I say, Sir, act against him upon the principle of this address? against him especially, who is proved by such unanswerable testimony to have adopted such strenuous measures for the suppression of those very abuses which he is accused of having connived at; who has devoted so much attention to the reformation of the system which he is charged with having abused; and whose regulations have in every instance tended to preclude, beat down, and destroy those very practices, the commission and concealment of which are charged against him, as his crimes? Will the House, against *him*, proceed upon the principle of this address, and, leaving it matter of doubt whether they find him guilty or not guilty of the main charge, insist upon his removal without ascertaining the grounds of it? Is it not due to this Royal Person, would it not be due (I repeat) to any man, is it not essentially right in itself, that you should not thus dismiss him from the high and important post which he fills; leaving doubtful in his own mind, doubtful in the mind of his friends, doubtful to the present age and to the latest posterity, whether the offence of which you thought him guilty, was some neglect of office, more or less excuseable from the weight and multiplicity of the business which belonged to it, or the grossest and basest corruption which ever degraded a public character, or dishonoured a man. I say, Sir, the grossest, and basest corruption, which ever degraded or dishonoured a man;—for there is no character of infamy which can be given to the offence, if proved, that I would not be ready to ascribe to it; there is no character of degradation or disgrace, that does not attach to it. There is nothing— no,—nothing that belongs even to the witnesses who have appeared at your bar, which would not be virtue as committed by them, when compared with the crime of the Duke of York, if their evidence against him is true. But if the crime of the accused personage would be so greatly aggravated by his rank; are we not to take into consideration also what is due to him, or rather what is due to the public, on account of that rank? Let us recollect who it is that we are called upon to dismiss from our bar and send forth into the world with a doubtful character; let us recollect that it is a person not only high in office and in rank, but one whose birth places him so near the crown, that events, however much to be deprecated, yet quite within the reach of possible, nay, almost probable occurrence, may one day call him to the throne itself. Shall we then, with such a possibility before us, leave it doubtful and uncertain, whether this high Personage has or has not, in the opinion of this House, been found clear of all public guilt, or has been disgraced by the lowest and most infamous corruption? I am sure there is not an honest or just feeling in the House, that will not go along with me in condemning and deprecating so unfair, so timid, and yet so dangerous a course: a course which would for ever disgrace and destroy the character of this House in the eyes of the country. The charge is unquestionably one of the most serious that has ever been submitted to the consideration of Parliament. And shall it, upon such an occasion, upon so solemn, so important, so momentous an occasion, be said, even if those who introduced such a charge shrink from the task of executing their full duty upon it, that this House has shrunk from it, and that our proceedings were marked with the mean endeavour to dispose of it by a measure framed with complicated ambiguity, or rather with an insidious alternative, as if for the mere purpose of picking up some of the straggling votes of those who, not agreeing with the accuser as to the nature and extent of the offence, may yet concur, from any other motives, public or personal, in desiring the removal of His Royal Highness from his office? If the Honourable Gentleman had continued to be actuated by that feeling which originally impelled him to come forward in this business, he would certainly never have proposed to the House the address which we have heard from him. The Honourable Gentleman has yielded to other counsels, or he would not thus have frittered down his charge. "Whether his offence amounts "to corruption or not, let the Duke of York be re- "moved," is no language of his! No, Sir, if that Honourable Gentleman had consulted his own manly feelings on this subject, he would have scorned to offer such a proposition to the House. But the Honourable Gentleman has mixed himself with others in counsel; he has advised with cooler heads, heads that mean more than he means, and more than they will let him know. I can hardly be suspected of any solicitude to go out of my way to compliment the Honourable Gentleman, but I must declare, in fairness to him, that I have too high an opinion of his honour and his spirit, to believe that this measure, which he has proposed, is his own.

Sir, I am almost ashamed of having pressed with so much earnestness, and at such great length, the impropriety, and, as I conceive, the positive absurdity, of the address as moved by the Honourable Gentleman. But the importance of taking a right view of it, seems to me to be so great, that I trust it may be received as my apology.

It now, Sir, becomes my duty to explain to the House, the course which appears to me to be the most proper to be pursued on the present occasion. In the first place, Sir, I conceive it to be absolutely and indispensably necessary that we should come to a direct decision upon this question, whether the evidence against the Duke of York, does or does not establish against His Royal Highness the charge of personal corruption, or connivance at corruption? I add, "or *connivance at corruption*," because no man can entertain a doubt, that, in point of moral guilt and turpitude, it would be, especially in such a case as this, the same thing, whether His Royal Highness be guilty of direct corruption by his own acts, or, of knowingly permitting it to have been practised through his means by Mrs. Clarke. I shall therefore tender an amendment to the Honourable Gentleman's address, converting that address into a resolution, which shall declare decidedly the sense of the House upon the question of guilt. This resolution, whatever should be the fate of it, will leave us at full liberty to determine what course it may afterwards be proper to pursue—a course which must naturally be governed by the nature of that opinion which the house shall form and pronounce on the substance of the charge. If they should think the Duke of York guilty of corruption, I cannot hesitate for a moment to believe that they will think it necessary to impeach him. But though they may think him not guilty of corruption, there may be other matter discovered in this evidence, which will call for notice and animadversion; and which may, in the opinion of some persons, call even for punishment.

But if it were possible that the address of the Honourable Mover could be adopted, what would then be the duty imposed upon His Majesty? What would His Majesty under such circumstances be compelled to do?—Would he not have to do this:—Not to enquire himself whether the alledged abuses and corruptions existed; not to say whether the removal of the Duke of York from his high office, would be sufficient atonement for his offence; but, to direct his Attorney-General to institute a public prosecution against him. But, Sir, is there any man in this House who would consent to impose upon His Majesty such a duty as that of directing the Attorney-Gen. to prosecute the Duke of York at the Old Bailey or at the King's Bench? Is there a man in the House who would wish to impose on His Majesty so painful a sacrifice of his parental feelings? And are we to adopt an address which might lead to such a course, "*out of delicacy and respect*," as the Honourable Gentleman expresses himself, to His Majesty? But, independent of considerations so delicate, would it be justifiable, would it be consistent with the dignity of this House, to impose upon the King that duty which, from whatever motives, we are afraid, or decline to perform ourselves? Shall we leave to His Majesty to say that which we ourselves have not the courage to pronounce? Clearly not. On the contrary, if the conclusion to which this House shall come upon these charges, is, that the proof is sufficient for this House to entertain them, the result ought to be, and must be, to send them ourselves, to the bar of the House of Lords; and, by the constitutional and appropriate proceeding of impeachment, to put the Duke of York upon his defence, and upon his trial.

In my judgement, sir, the Duke of York is not guilty of corruption or connivance. This is the opinion which, in my judgement, we are imperatively called on by the justice of the case, to pronounce. If that judgement is correct, we ought to say so; we ought to declare unequivocally, that this House sees no ground for charging His Royal Highness with corruption, or with connivance at the practices which have been disclosed at our bar. Such, Sir, is the opinion which, after the most deliberate and most anxious consideration of all the evidence, and all the circumstances of this important case, I have conscientiously formed in my own mind. I will now proceed to explain to the House, the grounds upon which that opinion is founded:—

I ought, however, before I proceed farther, to state, as a justification of some early expressions of my own on this case, that I certainly did, (I do not hesitate, Sir, to confess it,) I certainly did come to the examination of the conduct of the illustrious person, now under accusation, strongly influenced by that desire, which the Honourable Mover of the address himself expressed, and which he now says he believes to have been universal in this House, that His Royal Highness should be exculpated and cleared from every imputation of blame. But, I must say further, that I came to it with every prejudice against the truth of the accusation. I have certainly long cherished the opinion, and still cherish it, that whatever may be the opinion of persons out of doors—whatever may be the language of pamphlets and libels, published and circulated with malicious industry, for the infamous purpose, not merely of destroying the character of His Royal Highness, but, through him, of exciting sentiments hostile to the family on the Throne; (the effects and prejudices of which libels, are now operating strongly against His Royal Highness, both within this House, and out of it), I say I had formed the opinion, notwithstanding these attempts to poison the public mind, that there never was a period in which there was less ground for the suspicion of personal corruption in persons, either illustrious by birth, or exalted by rank, office, and station, than the present moment. The age has its vices, no doubt, and persons in high rank are not exempt from them. But the vice of pecuniary corruption in the higher ranks of society, is not (on my conscience I state it) the vice of the present day. [*Hear, hear!*] I am glad to find that there appears to be a general concurrence in that sentiment; but, Sir, let me ask, if gentlemen concur in this opinion, and do think that such is no more than the fair testimony due to public characters; that such is the honest result of their observation on the conduct of public men at this day, is it fair dealing towards public men, or towards the public itself, for any object of popularity, or any purpose of party, to give countenance to the idea, that the abuses falsely charged against public men in these vile publications, do actually exist? Sir, I do contend, that nothing can be more mischievous, than to give to the false, slanderous, jacobinical publications, so profusely and malignantly disseminated, that sort of encouragement which the Honourable Gentleman who spoke third in this debate has done by his speech. I am confident that the Honourable Gentleman has no other ground of evidence for his assertions, than what is contained in those libellous pamphlets and publications themselves, the malice and venom of which, such assertions as his must necessarily inflame and extend. These prejudices, which I have thus avowed, were undoubtedly strong in my mind; and as they were strong generally in favour of any public men, so does it appear more particularly improbable to my feelings, that such charges could apply to one in so peculiarly elevated a station as that of the illustrious Person now the subject of our enquiry. I never could bring my mind to believe, that for so mean and despicable a consideration (for the whole amount of Mrs. Clarke's iniquitous gains, according to her evidence, does not much exceed two or three thousand pounds), His Royal Highness should have lent himself to this base conspiracy against the public interest, and the interest of the army; that he should have assisted Mrs. Clarke with the power of his official situation; that he should have become a partner in her infamous schemes; that he should have so humbled and degraded himself, as to have rendered his rank, and influence, and authority, subservient to her designs; and that he should so far have forgot what was due to his birth, his family, his own character, and to the public, as to have told this abandoned woman, (for such is her evidence,) pointing out to her these corrupt practices as the sources of pecuniary supply, that "if she was clever, she could never want money;" and that he should have done this for the purpose of feeding and supporting the expence of their adulterous connexion! [*Reiterated acclamations of Hear, hear!*] Sir, I hardly understand that cry—Is it that any Honourable Gentleman imagines that, in using an epithet to characterize the unfortunate connexion between His Royal Highness and Mrs. Clarke, in appropriate language, I have inadvertently slipped into a censure which I should wish to retract? Does any Honourable Gentleman, who hears me defending his Royal Highness from a charge which I feel to be false, imagine, that I am therefore here to defend vice, or to palliate it with epithets that may disguise its character? Nothing, Sir, can be farther from my intention! I lament, I deplore as deeply as any man can do, the errors, the moral guilt into which, in an evil hour, His Royal Highness suffered himself to be plunged, by his infatuated attachment to this most profligate woman. I will not, out of delicacy to him, withhold any censure which it may be due, and becoming for an individual in this house to pronounce upon it. But surely, Sir, it is not inconsistent with that sentiment, and with that determination, to suppose that he cannot have been guilty of such a departure from the duties of his public station; that he cannot so far have forgotten the consideration of every thing dear and valuable to a person of his exalted birth, (for the higher a man rises in society, the more must he feel the value of character, and the importance of public opinion,) as to have so degraded, so debased himself, as to have become the willing instrument of Mrs. Clarke and her associates. Under this impression, I confess, that every prejudice in my mind was against the idea that His Royal Highness could be personally implicated in the practices pointed out by these charges. I certainly had the means of knowing that corrupt practices did exist, with regard to the sale of offices, though not by persons in office, or in government, but under the assumed and pretended authority of government. I had recently directed my endeavours to detect and to pursue them in one instance, in which I had been furnished with a clue to them. I knew there were low and mean persons, who, pretending to possess an influence in disposing of public employments, civil and military, carried on a lucrative traffic by means of the delusions they held forth to the public. But I knew at the same time, that, at least as far as respected those civil offices and places under government, with which I had any means of being particularly acquainted, their pretensions were wholly false; and I did consequently believe that such would, eventually, and in proof, turn out to be the fact in the case of the Duke of York; I thought that His Royal Highness, whatever might be disclosed in the course of the enquiry, would be proved to be as far from having been personally concerned in any of the transactions relating to such corrupt practices, as I am myself. To return however to the charges.

There are two very distinct questions, upon which the opinion of this House must be pronounced. The first question respects the guilt or innocence of the Duke of York; and the next, the proper mode of our proceeding, after having decided upon that question. These are two questions in their natures perfectly different. The one I take to be a question of a purely judicial description, upon which we are bound to give our judgement with all the conscientious severity of judges. The honor, the justice of this House requires that it should, according to the true impression made by the evidence upon our consciences, decide the question of guilt or innocence; but as to the other question, it involves many grave considerations of political expediency, which the House, if it duly regards the interests of the public, must take into its consideration. Supposing the House should decide, as I think it must, that His Royal Highness has not been guilty of corruption or corrupt connivance, it must still upon the next question, contemplating what is due to the interests of the public, consider what ought to be the degree of censure with which it should mark its displeasure, at the transactions which have been exposed, and what practical measure it shall in consequence adopt.

Trusting that the House will keep in mind these two questions, and the plain distinction which exists between them, I think it will be useful, with a view to simplify and disembarrass our enquiry, distinctly to admit those parts of the case which I conceive to be indisputably proved.—That His Royal Highness had formed a most intimate and unfortunate connexion with Mrs. Clarke, cannot be denied, and must ever be lamented; that Mrs. Clarke was, during the continuance of this connexion, concerned in most corrupt transactions cannot be doubted; and that she has continued in the practice of them ever since that connexion was dissolved, is also clear, and ought never to be forgotten; the question in dispute, is, whether His Royal Highness was privy to these transactions? did he authorise them? did he countenance them? did he connive at them? These are the questions which we must determine.

It must be further admitted, that if Mrs. Clarke's evidence be believed, there is nothing wanting to the complete conviction of the Royal Duke—the case, as against His Royal Highness, is indisputably established in all its deepest aggravation. If her evidence be credited, it is not a case of neglect of duty, it is not a case of any minor fault, it is not a case even of connivance on the part of the Duke of York; but it is a case of the basest corruption in his own person,—corruption of the foulest nature, originating in himself. If she can be believed, it must be admitted as a matter of direct proof, established by her evidence beyond the possibility of doubt, that the Duke of York, and not Mrs. Clarke, was the first adviser of these most criminal and disgraceful transactions: it must be taken as proved, that this Royal Person, the son of our virtuous and beloved Monarch, was so abandoned and lost to every sense of what his duty and his station prescribed to him, that when his mistress represented to him her pecuniary distresses, he pointed out these practices as the means of relieving them; he told her that, "if she was clever, she could never want "money;" that "her influence was greater than that "of the Queen;" and that by the judicious employment of that interest, she would preclude the necessity of recurring to him.

It is evident, therefore, that the examination of the guilt or innocence of the Duke of York, must open with the examination of the credit which is due to Mrs. Clarke. There may possibly be doubt in some minds, although I hesitate not to declare that there is none in mine, of the *innocence* of His Royal Highness, though the evidence of Mrs. Clarke be not credible; but there can be no doubt of his *guilt*, if she is believed. An attentive consideration, therefore, of all the various circumstances which affect the credit of this very suspicious witness, is our primary and indispensable duty.

In the first place, the House will not fail to observe, that Mrs. Clarke presents herself at the bar in the questionable character of an accomplice, or rather as a principal in the guilt which she is called to detect. Upon this point, Sir, I need do no more than refer to what has been so well and ably stated, by my Honourable and Learned friend (Mr. Burton) behind me. You have been told by him, that, as an accomplice, you ought not to confide in her testimony, or to give the least credit to any thing she said, unless so far as she may be confirmed by the evidence of other witnesses, whose characters are not open to that suspicion of falsehood, which necessarily must attach upon her. Upon the point of confirmation, though a point of infinite importance to be well understood in such a case as this, it cannot be necessary for me, after the manner in which the subject has been treated by my Honourable and Learned Friend, to go into any length of observation to guard the House against being misled to suppose, that they find Mrs. Clarke's evidence confirmed, so as to give credit to it against the Duke of York, because parts of her story are substantiated by other evidence. That her story may be, and is, true, in respect of the corrupt practices, as far as she is concerned in them, is already admitted: those parts therefore, may undoubtedly be confirmed without difficulty, but such confirmation cannot advance the case one step against His Royal Highness: they might have existed whether the Duke of York knew any thing of the facts or not. The points on which confirmation is wanting, and on which it must be had, before you can convict His Royal Highness, are those which I contend rest to this minute unconfirmed, upon her unsupported assertion alone ;—that the Duke of York authorised, that the Duke of York knew of, her practices. For as my learned friend has truly said, if a man has committed murder in the company of another person, and chooses to charge an innocent man with the offence, which was committed by himself and his companion, he will tell truly all the circumstances of the murder, only substituting the innocent man for his guilty companion. His evidence of the circumstances attending the murder, might be correct and true, although as far as respected the party accused of having perpetrated the crime, it would be false. The circumstances of the murder might all be so accurately stated, that they might be capable of confirmation, and if such confirmation was to be supposed to substantiate the evidence of the accomplice, it would bring the proof of guilt home to the individual charged, who yet might be entirely innocent, and every fact which really affected the prisoner (however the other circumstances might be confirmed) would rest unconfirmed and unsupported by any evidence but the accomplice's. The confirmation, therefore, that in such cases must be required, is a confirmation of those circumstances which bring the fact home to the person who is charged with it. Apply this to the case of the Duke of York. Is it not obvious, that, if these corrupt transactions were practised by Mrs. Clarke, without the knowledge of his Royal Highness, she must have pretended to have influence over the Duke of York ; that her conduct, that her conversation, that her correspondence must have been framed to impose, both upon her instruments and upon her

Victims, the belief of that opinion? Proof then by other witnesses, or by other means of such circumstances of conduct, conversation and language, would be no confirmation of that part of the story which affects the Duke of York. Those circumstances would be true upon either hypothesis; they are perfectly equivocal as to the main question in dispute: they therefore may be indisputably proved and confirmed, and yet the evidence applying the knowledge of them to the Duke of York, may be utterly, absolutely false, and fabricated by the witness herself.

In regard to the evidence of Mrs. Clarke, I might say, for my own part, that I never, in the whole course of my professional life, saw a witness in a court of justice, who appeared to me so wholly unworthy of credit as Mrs. Clarke. All the circumstances under which she presented herself, compel me to withhold my belief from her. The story she came to detail, and her general character as connected with the transactions to which her evidence related, her manner, her contradictions, her detected falsehoods, made her a witness the least entitled to credit that I ever saw. And here I cannot help noticing an expression that fell from a Noble Lord (Lord Folkestone) upon the subject of Mrs. Clarke's evidence, namely, that in his opinion (so I understood him to state) Mrs. Clarke was an extremely credible witness. Now, sir, if, after the Noble Lord had had the opportunity of seeing Mrs. Clarke, of hearing her give her evidence, of tracing her through all the parts of that evidence, of observing the manner in which she was endeavouring to bring her charges to bear upon the Duke of York, and of representing all she did to have been under the direction of His Royal Highness; if, after perceiving what could not have escaped the attention of the Noble

Lord, that she was obliged to confess, that subsequent to her separation from His Royal Highness, she was still carrying on the same practices, that she was now making use of the name of the Duke of Portland—with whom she had not the slightest acquaintance, as she had formerly of the Duke of York: and that she had the astonishing effrontery to say in this house, that Mr. Maltby was her Duke of Portland:—if, after the Noble Lord had had such an abundant opportunity of understanding the real character of this lady, he could from any cause have been so taken, so imposed upon by her manner and deportment, so won, so fascinated with her blandishments and her charms, as to give implicit credit to her evidence, ought he not to have some little more of consideration for the Duke of York? After all this proof of her deceptions, the Noble Lord is still willing to rely upon her; the Duke of York unfortunately trusted her, when he believed her to be honest, and had had no such opportunity of detecting her character. Cannot the Noble Lord under such circumstances find some charity for an individual who had the misfortune, the ever to be lamented misfortune, of falling into the snare of such a woman? Cannot he conceive, that while she was enjoying his affections, and while he was persuaded to think well of the worthless object on which they were placed, he might be innocently misled by her into statements of which she meant to take advantage; that she might occasionally decoy him into conversation on military subjects, pick up little things of no possible importance, which His Royal Highness might, without any violation of public duty, have published at Charing-Cross; and that all this might have happened without affording any proof that His Royal Highness was acquainted with the purposes to which the information thus procured from him, was to be applied?

Or is it possible that there can be in the Noble Lord, or in this House, such a want of candour or of charity, as to condemn His Royal Highness of this infamous crime, because in some of these conversations His Royal Highness might have told her, without conceiving that he was doing that which was likely to be in the least detrimental to the service, either when Major Tonyn's business was likely to be gazetted, whether Colonel French's levy was to go on, or any other circumstance of a similar nature in point of importance, which she might wish to communicate to those whom she meant thereby to deceive?

Permit me now, Sir, to collect all the circumstances of her story, and to examine what it is, as we have it from herself, and from the other evidence before us. She represents herself as having lived under the protection of His Royal Highness; that he prepared a house, and set up an expensive establishment for her in Gloucester-Place; so expensive, that he was not able, without these criminal practices, to provide her with the means of supporting it; that he gave her to understand she might raise money by the sale of commissions, only regulating her conduct by an ordinary attention to prudence, in her manner of doing it; that she did dispose, for money, of military promotions to a very considerable extent, with his assistance; that he afterwards discarded her, and engaged to settle upon her an annuity of 400*l*., which annuity he subsequently withheld; that she was irritated by his desertion of her; that she threatened to expose him if he did not comply with her terms; and finally, that she has brought him here for the purpose of exposing him. This is the story which is before us, most of it from herself, the rest unquestionably proved by her own letters, and by other witnesses. The story does not tell very well for herself, and does not sound very probable; it exhibits her as a woman of very immoral and impure character, who, having been connected with this Royal Person, and having been a participater with him to the extent she tells us, in all the crimes with which she charges him, was discarded by him for no reason! Her pension was withheld from her on no just grounds! Does this appear probable upon the face of it, nay, I had almost said, does is appear possible? Is it possible to suppose, that for no sufficient offence on her part, for no other cause than what may be attributed possibly to mere caprice, he should have dismissed her from his affections and society; that he should have settled an annuity upon her which he afterwards did not pay, and that he should have turned her off in a manner so naturally calculated to excite her utmost resentment if she had all those transactions to disclose, and possessed the means of exposing him to the infamy that belongs to their disclosure?—Yet, Sir, all this improbability we must believe, and we must believe it upon the evidence of Mrs. Clarke, or we cannot be of opinion that His Royal Highness is guilty.

An accomplice sometimes is, or appears to be, actuated by a sense of remorse for the crime which he has committed, and disposed to make what atonement he can by his evidence for the crime which he confesses and detects: but Mrs. Clarke comes here as no penitent; she is not inspired by any public feelings which might justifiably have actuated her to disclose to public justice, scenes such as those she has described; on the contrary, urged by sentiments of rancour, hatred, resentment, and malice; with no other object than to disgrace His Royal Highness; at the expence even of herself, she discloses a scene of corrupt practices, which it evidently appears she has continued to carry on to the present day) and for this part of her evidence we have the words of the Honourable Mover of this enquiry himself): she is, up to the time of this very enquiry, carrying on the same traffic! If she is to be believed, it appears that she put into the hands of that Honourable Gentleman, within these few weeks, letters of recommendation to be signed by other Honourable Gentlemen, with a view to obtain military preferment; that he gave her promises of assistance, though he said his influence would not be of any avail, as he was in the opposition. Within a short time she put into the hands of General Clavering, for the purpose of procuring military promotion, a letter purporting to be signed by a Mr. Sumner, of the Temple, when, as far as we have any proof, there is no such person in existence. This is the sort of witness on whose evidence we are called upon to give up the character of the illustrious Person accused, and to consign him to public infamy and execration! But this is not all: you have in this, an abundant caution against surrendering up your judgment upon the evidence of a witness, whom you see impelled by such motives, and to such an object: But have you nothing else? You have the presumption in favour of the person accused; not merely the presumption of general innocence in favour of the party under accusation, till conviction, but you have the presumption of innocence arising out of the conduct of His Royal Highness; out of conduct which may, perhaps, not be entirely approved. I lament extremely, that His Royal Highness did not provide a larger annuity for Mrs. Clarke, and I think, that what he did give her, should have been unconditional. But although I lament these circumstances, yet I must be allowed on this occasion, and in this part of my argument, to take advantage of them; for there arises out of these circumstances, a great and insurmountable presumption in favour of the Duke of York. I ask whether any thing can be more inconsistent with common sense, than that His Royal Highness, in parting with a woman who had been a participater with him in such deep guilt, should dismiss her in a manner which must have sent her forth with every sentiment of resentment and indignation against him? No man having any particle of common sense could have done so; and out of this conduct, therefore, there does grow a most irresistible presumption in his favour. I repeat that I lament that a better arrangement was not made for Mrs. Clarke when this unfortunate connection was broken off; but I am confident the House will agree with me, that His Royal Highness having, from whatever circumstance, thought himself called upon to stop the annuity, and Mrs. Clarke having threatened to expose him if he did not comply with her requisition of renewing it, it was impossible, after such a threat, for His Royal Highness to recede from his determination: to have done so would have been most hazardous to his honour. After the letter addressed to Mr. Adam by Mrs. Clarke, it was quite impossible for His Royal Highness, having any consideration for his character, to yield to her demands, if he felt innocent: on the other hand, it is equally impossible that he should not have yielded to them, if guilty. Had His Royal Highness been conscious that this woman really was possessed of these secrets, the exposure of which must necessarily involve his ruin, can it be for one moment imagined that he could have discarded her without first making some attempt, at least, to secure her silence? But perhaps it may be said, that His Royal Highness relied upon her good nature, or upon her honour, as his security, that she would not divulge them. Did he so? she tells him plainly that she will divulge them. She says in her letter to Mr. Adam, that if His Royal Highness does not give her the annuity of 400*l.* a year, and pay her the arrears, she will publish every circumstance that was ever communicated to her by him, and every thing that has come under her knowledge during their intimacy. Surely then, if the Duke of York is endowed with the smallest possible share of common sense, he must have yielded to her demands, unless, as the fact was, he felt secure in the consciousness of his own innocence. He braves the charge, he defies the exposure which she threatens; although he must have known, that many of the circumstances attending his unfortunate connection must come before the public, he is content that the whole history of their private intimacy shall meet the public eye, rather than suffer his character to be compromised by yielding to such threat: He braves the utmost effects of her resentment and malice, rather than do that by which, if he had done it, he would indeed have put himself completely into her power. Had he been so weak as to have regarded her menaces, (and many an innocent man under similar circumstances, might have done so,) how would her story then have told? how strongly would the payment of her annuity have confirmed it? It would then have been said, that after discarding her for some reason which he deemed sufficient, and which, for the purpose of the argument of his accusers, would then probably have been assumed to be sufficient; he had, for some reason, which would have then been deemed also equally sufficient, refused to pay her the stipulated annuity; that he had declined to do her justice, upon the mere merits of her claim: but, that when she threatened the exposure, which he must know whether it was in her power or not to make, then he began to be alarmed, then he thought it convenient to purchase her silence, then, from the fear of having his guilt disclosed, he acquiesced in demands which, as his former refusal had demonstrated, no sense of justice had impelled him to regard. Such would have been the inference drawn from the conduct of the Duke of York, had that conduct been the reverse of what it was. I put it then to House, whether candour and justice do not require that the direct contrary inference should be drawn from the conduct which His Royal Highness did pursue?

To pass now, Sir, to another point. It is impossible, in estimating the weight which belongs to Mrs. Clarke's evidence, not to notice that total want of a proper sense of the situation in which she was placed, which was so strongly marked by the whole of her behaviour at our bar:—Her sarcastic insolence, her playful pleasantry—as if there was nothing in her evidence that weighed heavy upon herself; her general cleverness and versatility; the art and wit she displayed in answering those questions which she thought proper to answer; the most unblushing effrontery with which she disclosed things which would have abashed the boldest witness; the mode in which she was continually evading the questions which she wished to avoid; presenting new topics to the examiner; misleading him; turning him beside his object; and at last, when pressed and driven to extremity, sheltering herself in a total forgetfulness.

All this, Sir, must be present to the memory of the House; the House cannot forget it; for they cannot forget the impression which it made upon them at the time: Perhaps, Sir, they might wish to forget, but they cannot but remember how indulgently they tolerated her jokes;

how they seemed to forget her vice in her wit; and be almost reconciled to her infamy, by her manner of displaying it. I dwell upon these circumstances as a caution to ourselves against being misled, to give credit to such a witness. But, Sir, beyond this, let the house in candour and in justice, well consider, if this cleverness was able to impose upon us in public so successfully, what must have been its effects in private? This art and ability which we have witnessed so successful amongst ourselves,—how must they have enabled her to practise on the credulity of a person, not yet apprized, as we all are, of her worthlessness; and biassed and prejuced in her favour by the affection which he unfortunately indulged for her? How easy must it have been for such a woman as Mrs. Clarke, without any principle of honour or virtue to guide or to restrain her, to impose upon the unsuspecting generosity of His Royal Highness? Can we imagine any thing of deception which such a woman as this, under such circumstances, was not equal to accomplish? How many, how frequent must have been the opportunities of which she might have availed herself, (and how few would she suffer to escape her?) of looking into his letters, and suggesting topics of conversation? Can any one suppose, that if at any time it was her object to obtain a knowledge of any military matter, which there was no public reason to conceal, that she would not, with all the facilities afforded by the confidence reposed in her, aided by her own art and dexterity, easily obtain the information which she wanted? The Honourable Gentleman asked, how was she to have had her information, but from the Duke of York? Let me ask in return, when we see before us the nature and extent of the information which she procured, why should the Duke of York, unless he suspected her object. have the least desire to withhold it? No man living can say, that in any one instance in which it can be seen that she obtained it, that there was any one reason of public duty, that required it to be concealed; and let me ask again, whether there is any man who has seen this woman at the bar, who will say that, if he had been so weak, so imprudent, so unfortunate, and so immoral, as to attach himself to her society, she might not, without almost any effort of that dissimulation and cunning, which nevertheless must always have been at hand, have obtained from him a knowledge of many things which he might even have desired to have kept secret? Who is there, the most prepared to fling the first stone at the Duke of York, who feels such confidence in his own strength, who will lay his hand upon his heart and say, that in similar circumstances with the Duke of York, he might not have fallen into her snares? That she might not have drawn from him, without any knowledge or suspicion of her corrupt object, I will not say a secret of state, but such trifles as I have already alluded to? For what are the facts, the disclosure of which is to convict the Duke of York with connivance at her practices? The time when Major Tonyn was to be gazetted; whether his business was to go on; and whether second battalions were to be raised instead of new regiments: this is the nature, nay this is the extent of the information which is proved to have been procured from the Duke of York. And is the communication of such unimportant facts as these, to the limited extent, especially to which even that communication has been proved, a violation of public duty, upon which we ought to found so serious a charge? Or does it afford any ground to infer any connivance whatever on the part of His Royal Highness? I have dwelt, Sir, so long upon this circumstance, because I am confident, that, when the evidence and facts of this case are examined and understood, that this sort of communication is the whole of the case against His Royal Highness; and if the House should be of that opinion, and should feel that such communication was no more than the necessary and inevitable consequence from the existence of the unfortunate connexion with Mrs. Clarke; the whole offence of His Royal Highness will resolve itself into that connexion. In saying this, Sir, I do not mean to justify, to defend, to mitigate the moral offence of that connexion.

I believe, Mr. Speaker, that there is no man in this House, who, upon a retrospect of every thing that has passed, within his own memory, in any way bearing upon the offence of adultery, would feel more ready than myself to admit that His Royal Highness has, by this impure connection, inflicted a deep wound upon his moral character. There is no man who can feel himself, though not led by principles as I profess to be, yet, compelled by consistency, to reprobate such an offence in stronger language, or with severer animadversion than I do. I am one of those individuals, who some time since wished that the legislature should enact a law, declaring adultery a crime. There is nothing in the character of the present times, nothing that has appeared in the records of parliament, or courts of justice, that has in the least altered my opinion upon this subject; on the contrary, every thing that has passed, and is passing before us, in the present session, in this House, and at the present time out of it, has tended to strengthen and confirm the opinion I always have entertained on it. When the bill to which I allude for making adultery a misdemeanour, came down from the other House of Parliament, it had my warmest wishes for its success. I do sincerely wish at this day, that the measure I then supported, had succeeded, and that adultery had been made, as, in my deliberate judgement, it deserves to be made, a public crime. But it will be recollected how the proposition, when it came to us from the House of Lords, was received in this House. The House will not fail to remember in what manner it was rejected on its principle. It was then argued, that such a measure could only have originated with some fanatical puritans, who plumed themselves upon their own superior virtue. Those enlightened and virtuous persons, as I thought then, who saw that this destructive crime was, with alarming progress, undermining the very foundations of civil society; those wise legislators, who proved their wisdom and their policy by introducing that measure, with the most benevolent views, alarmed as they were at seeing the frequency and prevalence of this offence, and marking the ravages it was making upon the peace and happiness of families, and the shock which it was giving to virtue and morality, the precepts and laws of which it seemed to set at defiance; those persons were stigmatized as puritanical reformers, and too austere censors of the public morals. Unhappily such arguments, or rather such reflections prevailed; and this House rejected the bill. But what will be our consistency? How shall we be able to reconcile our *then* conduct, with our *present*, if now that we have an illustrious individual brought before us, whose offence, (great as I may admit it to be in a moral view,) is that which this house refused to rank as a *misdemeanour;* if now, I say, advantage is to be taken of its higher character of enormity, and it is retrospectively to be punished in the case of this Royal Person, with as everity, and to an extent, which the deliberate judgement of this House, in its legislative capacity, refused prospectively to affix to it? Let us at least attempt to be consistent in our conduct.

Let us not put legislation and judicature so at variance. Whatever may be our desire of punishing the offence of adultery, let us not, by our sentence against an individual, mark that as a crime in him, which we have refused to declare one by our statutes. Let us not, because it occurs in the instance of a person high in rank, visit this crime with public punishment, after having, upon mature consideration, (however erroneous and impolitic in my own opinion,) determined that it should not exist as a public offence. If we do mean to punish it, let us at least give notice to all men of the law under which they are to live; but, above all things, let us not so widely mistake our duty now, as to resolve, because we have failed in performing it on a former occasion, that we should, by way of atonement for our remissness as legislators, make up for it in our judicial character, and heap upon the head of this Royal Duke, the effects of that resentment and indignation which have been excited by contemplating the excess of a crime which our mistaken lenity has increased and encouraged.

Another ground, Sir, on which the evidence of Mrs. Clarke is liable to the greatest suspicion, arises out of the material contradictions, and proved falsehoods with which it abounds. I shall not now enter into them all; many of them will be more properly observed upon, in the course of my examination of the particular cases before us; but there are some leading contradictions and falsehoods in her evidence, so obvious and palpable, that it is fit I should draw the attention of the House to them, in the first instance.

One of these contradictions relates to the fact which she most positively denies, but which is incontestibly proved; that she was desirous of keeping these proceedings a secret from the Duke of York. The fact has been established by several witnesses. In the first case, the exchange between *Brooke* and *Knight*, you will find the proof of Mrs. Clarke's desire, to insist upon an inviolable secrecy. Dr. Thynne begins by saying, " When I first spoke to Mrs. Clarke, she seemed to suppose there were some difficulties in the way, and she spoke a good deal about secrecy, and the danger she should run if this ever transpired." That is the evidence of the first witness. Mr. Knight's evidence is to the same effect, or rather is still stronger. He says, " She did entreat me to keep it a secret, lest it should come to the Duke of York's ears." He is asked, " Was the fact which Mrs. Clarke desired should be kept secret from the Duke of York, the receipt of the 200*l.* which you sent her;" his answer is, " Yes—she requested that the whole business might be kept secret." The next question put to him is, " Did she express herself particularly, during the conversation, as to the transaction itself?" His reply is, " As to the transaction itself?" Then towards the end of his examination, he is asked, " What expression did Mrs. Clarke use, that you now recollect, which enables you to state that it was not from the public, but from the Duke of York himself, that she wished it to be kept a secret?" He says, " She begged that it might be kept *a secret from the Duke of York*—I do not know how to shape my answer in any other way."

But Dr. Thynne and Mr. Knight, are not the only witnesses upon this part of the case; Captain Sandon speaks to the same facts; Mr. Corri, Mrs. Corri, and Mrs. Hovenden speak to it. Her conduct, her anxious direction to Mr. Corri to burn all her letters without delay,—and her practice in requiring Mrs. Hovenden to return all her letters, absolutely prove her anxiety on this point.

Now what says Mrs. Clarke? She is asked this question, "Do you recollect expressing a wish lest it should come "to the ears of His Royal Highness the Duke of York?" she immediately answers, "Oh no! never." "Or any "thing to that effect?"—"Nothing like it." There are such a number of witnesses who positively contradict Mrs. Clarke on this part of the case, that I am sure there is no person, who hears me, who would venture to say, that their testimony does not outweigh that of Mrs. Clarke.

But, upon this evidence, I admit, the Honourable Gentleman has made a very fair remark. He observes, that it was impossible that Mrs. Clarke should require secrecy in the sense here suffered, and with the professed object of keeping the transaction from the Duke of York.—Her undertaking to these people being to use her interference and influence with the Duke of York:—it would mar her own plot; it would be inconsistent with her own story. She wished these persons to believe that she would immediately apply to the Duke of York; could she then be so absurd as to betray an anxiety that her interference should be kept a secret from the Duke of York? This, Sir, would indeed be true, if it were believed, that she let those persons know that she told His Royal Highness what money she was to procure for the influence which she engaged to exercise;—but if the fact was, as I believe it, that she had no such influence, that she used no such influence; she would necessarily be anxious to avoid any part of the transaction transpiring, lest it should reach the ears of His Royal Highness: but what she pretended to these witnesses was, that it was the pecuniary interest which she had in it, which she wished to keep concealed from him. In that sense, it was entirely consistent with her story, and essentially necessary for the security of herself.

The next point in which she is contradicted, respects her threat to expose the Duke of York, and to this I request the special attention of the House, because here it is, that we are enabled to trace her motives, and discover the resentment and malice, which prompt the whole of her conduct. Mr. Knight says, that when he called on her some time after the exchange had been effected, she told him that unless she could bring His Royal Highness to terms, she would expose him in the manner she was endeavouring to do by her evidence. When Mrs. Clarke was asked the question, she said she never told any body so, except Mr. Adam. She recollects something respecting her letters to Mr. Adam; but she distinctly and positively states, that she never did say to Mr. Robert Knight, that if His Royal Highness did not come into her terms she would expose him. Now I ask the House, whether the credit of Mrs. Clarke is to be set up against the credit of Mr. Knight? He has no motive whatever which can possibly influence him to invent a falsehood; while on the other hand, she has every motive to induce her to do so. The fact stated by Mr. Knight, cuts up and destroys her testimony, and therefore she denies it. Upon this part of the case, then, there is a distinct contradiction, by a witness whose testimony it is impossible any candid or impartial mind, can fail to prefer to the testimony of Mrs. Clarke. There are a variety of other contradictions in the evidence of Mrs. Clarke, with regard to minor circumstances; but I do not think it necessary to go into them. I will merely refer to the circumstance of her denying that her husband was of any trade, in which fact she is pointedly and distinctly contradicted.—(Mr. Whitbread intimated across the House, that this was misstated.)—If I am guilty of an over-statement, Sir, it is, I can assure the House, unintentional. I am sure that over-statements never can do good in any cause, which is heard before intelligent judges; they not only do not impose where they are introduced, but they cast suspicion over the whole case. The correctness of this statement therefore being called in question, I must, for my own vindication, go into it, with a particularity and at a length which I did not intend: this contradiction stands thus in the evidence.

Mrs. Clarke is asked, "What is your husband?"—Her pert reply is, "He is nothing but a man." "What "business?—"No business." "Was he never in any "business?"—"No, his father was a builder; he lives "at Kettering, in Northamptonshire." "Was not he "a stone-mason?"—"No, he was not—he lives at "Kettering with his younger brother—that is all I "know of him." Now, surely this House, must be aware what was the evidence of Mr. Stowers, in opposition to this testimony of Mrs. Clarke. Mr. Thomas Stowers's evidence is as follows:—"Did you know Mrs. Clarke be-"fore she was married to Mr. Clarke?"—"I did not." "Did you know her after she was married?"—"I did." "Do you remember the time when Mr. Clarke was mar-"ried to her?"—"I never knew the time." "What "business did Mr. Clarke carry on?"—"When I first "knew Mrs. Clarke by being wife to Mr. Clarke, he "was not in business just at that time; he was a young "man." "What business did he afterwards carry on?" —"That of a stone-mason." "Was that soon after "his marriage?"—"I cannot speak to that. I did ima-"gine he was married so soon as he had an acquain-"tance with this lady." "Did he carry on the busi-"ness of a stone-mason, while she was living with

" him?"—" He certainly did." " For how long?"—
" Not less than three or four years." " Was she living
" with him all that time?"—" As I never visited them,
" I cannot undertake to say she lived with him all that
" time, but I conceive she lived with him a principal part
" of the time." " Had they any children?"—" Not less
" than three." " Were those children born during the
" time he was carrying on the business of a stone-mason?"
—" Some of them were." " Where did Mr. Clarke live
" at the time you are speaking of?"—" The first part of
" the time he lived in chambers at Hoxton—then he
" was not in business as a stone-mason." " Was Mrs.
" Clarke with him at that period?"—" She certainly
" was." " How long did they live there?"—" As I
" did not visit them, I cannot speak positively—I know
" it was not less than one year, and I should imagine not
" more than two." " Where did they live afterwards?"
—" I don't know of their living any where else, till they
" went to live in Golden-Lane, where he carried on
" the business of a mason." " When was this?"—" He
" commenced there somewhere about 1794, and he lived
" there about three or four years." " Had Mr. Clarke
" a stone-mason's yard there?"—" He had." " At the
" first place he lived at?"—" In Charles-Square, Hoxton,
" he lived on his fortune—he had no business?"
" Did you visit at his house?"—" I never did visit him
" at any time wherever he lived." " Did you know
" Mrs. Clarke by sight?"—" Yes I did." " Did you
" know when Mrs. Clarke parted from her husband?"—
" No, indeed, I did not." " You have no guess when
" she parted from her husband?"—" No further than
" it was after they quitted Golden-Lane, I understood.'
" Do you recollect who told you so?"—" No; public
" report." " You know nothing about the matter, of

"your own knowledge?"—"I do not." "Where do "you yourself live?"—"In Charter-House-Square."

Now, does the Honourable Gentleman mean to say, that is not a positive and direct contradiction of Mrs. Clarke? The witness knows that she had two or three children. It matters not whose children they were: They were born *of* her *to* Mr. Clarke, while they were living in Golden-Lane, where he was at the time carrying on the business of a stone-mason. And yet she positively states, that he never carried on any business. Now, Sir, is not this a most palpable contradiction of evidence?

It may be said, perhaps, that the fact was not material, and that the witness did not consider herself bound to be very exact in her evidence upon such a point. The witness probably was taken by surprise, by a question to this fact, which in her own judgment was not material; she had therefore probably not framed her mind to these questions; but, suspecting that they were put to elicit something from her evidence, of the effect of which she was not aware, and which she did not wish to have disclosed, she met it by a denial of the fact.—But, if upon a point on which a witness has not prepared herself, though it may perhaps be thought of no great importance, you perceive the witness answering contrary to the truth,—what reliance can you have that she will be more scrupulous, in her answers upon points which are important; or, that you will have a better security of hearing the truth from her, in matters on which she must come prepared for the questions, and determined as to the story she is to tell?

Another occasion on which Mrs. Clarke is positively contradicted, is, in that part of her evidence where she denies ever having gone by the name of Mrs. Dowler. Upon this point she is contradicted by her Hampstead

Landlord, Mr. Nicholls, and more particularly by Mr. Reid. All the circumstances of her evidence upon this part of the case, must be in the recollection of the House; but this, Sir, is a contradiction in which not only Mrs. Clarke, but Mr. Dowler also, is most materially involved, and, therefore, I feel it necessary to bring it particularly under the consideration of the House. It must not be understood, that I am not ready to admit that there might be fair excuse, both on her part and that of Mr. Dowler, for their wishing to conceal some of the circumstances which the questions, if truly answered, would have disclosed. That they should have answered them therefore, with great reluctance, was natural; but it is not the withholding of the truth of which I complain, but the falsification of it, and that for the purpose of giving a different character to Mr. Dowler's evidence. The House cannot but recollect the manner in which Mr. Dowler was introduced, and particularly that part of his evidence which relates to his appointment in the commissariat. The fact came out as if by accident, as if to the surprize of the examiner. The Honourable Gentleman, the mover of this enquiry, had closed his examination of Mr. Dowler; the witness appeared to be retiring from the bar, when up gets the Noble Lord (Lord Folkestone) and apparently anxious to know something of the history of the witness, as possibly his credit might depend upon it, he asks what situation he is in; and finding that he is in the commissariat, pursues his question, to learn by what means he obtained his situation: he answers, he bought it for £.1,000 of Mrs. Clarke, who procured it for him, through the Duke of York. This witness, it must be remembered, is the gentleman who the moment before had told us, how strongly he had remonstrated with Mrs. Clarke upon the impropriety and danger of her conduct, in procuring money by such means! And all this examination was so managed, that it might appear as if it was undesigned; as if the Noble Lord had not heard every syllable of the story from Mrs. Clarke or Mr. Dowler, before: as if the mere dint of his happy questions had extracted this fact from an unwilling witness, who would fain have retired from the bar without having disclosed any thing upon this subject. After this, Mr. Dowler is cross-examined, and great part of his cross-examination would be most material to be attended to, if what I am about to observe was not fully sufficient to destroy his credit, and with his, the credit of Mrs. Clarke at the same time.

It became material, when he had stated the fact respecting the purchase of his office, to learn what communication he had had with Mrs. Clarke. Let me entreat the attention of the House to this part of Mr. Dowler's examination.

"You arrived from Portugal on Sunday last?"—"Yes." "When did you see Mrs. Clarke since your return from "Portugal?"—"On Sunday last." "Have you seen her "since?"—"I saw her just now in the witness-room." To stop here for a moment, what would the House understand from these answers? Undoubtedly that the witness had seen Mrs. Clarke only once, since his return from Portugal, until he met her in the witness-room. But this is not all; his examination goes on. "Was any body "with Mrs. Clarke when you saw her?"—"I waited upon "her *to request that I might not be called upon as a* "*witness*, seeing the circumstance of *Colonel French's levy* "in the newspaper; *I saw her address in the newspaper.*" "What conversation passed between Mrs. Clarke and "you, when you called upon her?"—"I lamented the "situation in which I found her placed, as to the noto-

"riety of this; that I had always told her, I was fearful "it would become known; and she said, the Duke of "York, to the best of my recollection, had driven her to "it, by not paying her debts, and not being punctual in "the annuity, as she termed it, that she was to receive "from him." "She told you that the Duke of York had "driven her to this proceeding by not paying her debts, "and not being punctual in the annuity that she was to "receive from him?"—"I do not know that she said he had "driven her to it; my conversation was as short as pos"sible; *merely to request that I might not be called upon.*"

The House will now bear in memory, that it is incontestably proved, that the very night of Mr. Dowler's arrival in town, Mrs. Clarke found him out, came to his hotel, and passed the night with him; and with this fact in their minds, they will have to determine what credit is due to Mr. Dowler's testimony, when he gives us to understand that he had only seen her on the Sunday; that his only anxiety was to find out where Mrs. Clarke lived, to request that he might not be called as a witness, and that he only knew where to find her, by seeing her direction in a newspaper; and that his conversation, when he did see her, was as short as possible, only to request that he might not be called upon.

Is it not manifest, that the story, and all the particulars respecting the purchase of the commissariat, might have been framed between Mr. Dowler and Mrs. Clarke, at the midnight scene at Reid's hotel? We perceive how much it was the object of the witness, to disguise the truth, to have it supposed that he had seen her but once for a moment, since his return from Portugal, and then for the express purpose of preventing his being called as a witness; and is it possible to conceive a greater falsification of the truth? and can you look at these circumstances and say, that you would whip a dog upon the evidence of such a witness? Let him stand as fair as he can from the character of the Honourable Gentleman who gave him so good a character just after he had convicted him of a falsehood; let him, after having quitted the Stock Exchange in a way which it is generally understood throws a blemish on a man's character, yet be considered as coming to our bar as immaculate as he may choose to represent himself; still, if we find him thus false in his testimony, acting or assuming a false character, before us; if we find him representing himself as a person dragged to your bar, as an unwilling witness, wishing you to believe, that those facts are reluctantly extorted from him, which he unquestionably comes forward, most willingly to divulge; if you find him attempting to impose upon you, by stating, that he went to Mrs. Clarke to request she would not bring him forward, when if he had not wished to be brought forward, he had nothing to do but to keep out of her way; when you find him so conducting himself, is there any man amongst us, who can say, or who can think, that his evidence ought to be relied on? or, that all these misrepresentations can have been made for the purpose of supporting the truth? No, Sir, it is not of the character of truth to require, or to admit of such support. Besides this, Sir, the falshood in question, bears most importantly on the fact itself. It was fabricated to disguise from the House the opportunity that existed for that previous concert between Mr. Dowler and Mrs. Clarke, by which they might agree upon the facts which they were to relate, and upon the manner of relating them. The importance of this concealment can best be judged of by supposing that this concert between Mrs. Clarke and Mr. Dowler had not been detected. How should we then have had this part of the evidence pressed upon us? Should we not have heard it said, that Mr. Dowler's arrival from Portugal just at this time, was something almost providential, an almost supernatural interference to confirm the testimony of Mrs. Clarke? It might, indeed, have been considered as confirmatory evidence of no small weight, if it had passed as they wished to represent it; but detected and exposed as it has been, I feel confident, that it must produce the direct contrary effect.

So far applies to Mr. Dowler: the House will now attend to Mrs. Clarke. Mr. Dowler having been examined at much length, the House was anxious to proceed to the immediate examination of Mrs. Clarke before she could have the opportunity of knowing what Mr. Dowler had stated: but no; Mrs. Clarke was too much exhausted to bear the fatigue of examination, that night. The next day she tells us, "that she had seen the papers, that it was therefore useless to ask her, how long she had known Mr. Dowler, as she might agree with him." And she does agree with him in that, in which I have shewn that he spoke false, on being asked, "How often have "you seen Mr. Dowler since he arrived in England?"— "Once, and the other night, till he was called in here; "I have not seen him since." "Then you have seen Mr. "Dowler *but twice* since his arrival in England?"—"*Cer-* "*tainly not.*" Now, Sir, after such contradictions, if Mrs. Clarke was not an accomplice, but stood wholly unconnected with any part of the transactions to which she speaks, her evidence could not be credited. But when it is recollected that she is an accomplice, or rather a principal; detected, falsified as she is, how can we be deliberating upon the question of assigning to infamy and disgrace, upon such evidence, the Illustrious Person who is the object of our enquiry?

I regret, extremely, Sir, the length to which I have been obliged to extend these more general observations upon the evidence before us: I will now proceed to apply myself with more particularity, to the several cases which constitute the grounds of charge against His Royal Highness. If there is any thing in the general observations with which I have troubled the House, they establish this proposition; not that Mrs. Clarke's evidence is inadmissible, not that it is to be wholly put out of our sight, but that it is not to be credited, except when it is confirmed:—a proposition, which will be further established by the observations against her veracity, which will arise out of the examination of the particular cases, in succession. If, therefore, the House mean, as unquestionably they do, to do justice to this very important subject, they will look to these different cases, without allowing their judgement to be influenced in the slightest degree by Mrs. Clarke's testimony. And if they will discard from their consideration, all the improbable and inconsistent testimony which has been given by this abandoned woman, and bear steadily in mind, that discredited as she is, she ought not to be believed at all, except when she is confirmed by other evidence; then, Sir, my deliberate, my conscientious judgment assures me, that there is not a single circumstance which will be found to afford the slightest ground for charging His Royal Highness either with corruption or corrupt connivance, in any of these transactions.

With regard to the case first in order, I mean that of Colonel Knight and Colonel Brooke, the Honourable Gentleman who spoke last, did wisely, in passing over this case without founding upon it any observations against His Royal Highness; because it is a case which is not only not made out against the Duke of York, but which is most strongly and conclusively made out against Mrs. Clarke. I must request the particular attention of the house to the many important observations which this case affords, because, if I do not most grossly deceive myself, an accurate examination of it will do more to detect the infamous falsehoods of Mrs. Clarke's invention against the Duke of York, and to place the course of her fraudulent transactions in its true light, than any one of the charges which have been brought before us.

In the case of Colonel Brooke and Colonel Knight, it appears that the application for their exchange had been made in the usual course of office; that Mr. Knight applied through Dr. Thynne to Mrs. Clarke to expedite it; that, on the promise of her assistance, it was agreed that she should receive £.200 when the exchange should be effected; and that she did in fact, upon its appearance in the gazette, receive £.200 from Mr. Knight. Now, Sir, as to the service which Mrs. Clarke rendered for this gratuity, it is quite clear, that the exchange for the furtherance of which she received that gratuity, was completed before she made any application on the subject. Her own evidence (page 10) states the application to have been made to her "two or three days before it took place, "or a couple of days." She denies, indeed, (in p. 11) that she told the Honourable Gentleman, Mr. Wardle, that she applied on the Thursday, and that it was gazetted on the Saturday; but in this she is distinctly contradicted by the Honourable Gentleman himself, who both in p. 22 and p. 24, states his distinct recollection of the statement to him, that it was petitioned or applied for on the Thursday, and gazetted on the Saturday. Now Thursday was the 25th of July. It did appear in the gazette on Tuesday the 30th, and it is proved by Colonel Gordon, p. 50 and 48, that the Commander in Chief approved of the exchange, and that it was submitted to His Majesty, who approved of it at Weymouth, on the 26th; that it was therefore actually determined upon before Mrs. Clarke pretends to have made any application on the subject. This evidence of Colonel Gordon is put out of all possibility of dispute, by the production of his letter to Mr. Huskisson, dated on the 23d July, in which Colonel Gordon explains to Mr. Huskisson, that His Royal Highness could not allow Mr. Huskisson's Brother to exhange with Colonel Knight, because he had already determined that the exchange should take place with Colonel Brooke.

But to obviate this palpable demonstration of Mrs. Clarke's falsehood, the Honourable Gentleman is obliged to give up her veracity in that part of her testimony, in which she states her application to have been made only two or three days before the business was completed, although this is a point on which he recollects her to have been positive from the beginning. The Honourable Gentleman argues the case in this manner: he says, "We have had two witnesses, Dr. Thynne and Mr. Knight, who both tell us that the application was made to Mrs. Clarke, ten days or a fortnight before the exchange was in the gazette." Seeing then the want which Mrs. Clarke had for money, *we must suppose* she made the application to the Duke immediately; and that consequently she must be mistaken, when she states that she made the application on the Thursday, and that the exchange appeared in the gazette on the following Saturday. But to support this argument, the Honourable Gentleman assumes, that Mrs. Clarke did make the application to the Duke; and, 2dly, that she made it immediately after Dr. Thynne applied to her. But I deny both these facts; and what becomes of the argument of the Honourable Gentleman, upon the supposition that she made no application to His Royal

Highness on the subject at all? This, I contend to be the most probable supposition; I disbelieve her altogether on this part of the case; and I am confident, that we have no evidence but her own (which, unconfirmed, ought not to be believed), that she did make any application. How then will the fact stand upon this hypothesis? That Mrs. Clarke knew the business was in a course of official application, and that when it succeeded, she was to be paid for expediting its success. She invented therefore, all the circumstances of her interference, and particularly the date of her pretended application, for the purpose of shewing, that she did, in fact, fairly earn the money, and that this exchange, which had been depending for some time in the office without success, when once she interfered, was completed immediately. The exchange was suspended by the words written by Colonel Gordon,—"Cannot be acceded to: His Royal Highness does not approve of the exchange proposed." But, Colonel Gordon says, His Royal Highness, after enquiring into Colonel Brooke's fitness, thought proper that the exchange should go on. The event then took place, and Mr. Knight, who was weak enough to suppose it was effected through the influence of Mrs. Clarke, gave her the 200*l*. for her interference.

But, Sir, there is another circumstance which has been introduced by Mrs. Clarke, into her account of this transaction, which requires particular notice. We must trace the history of this 200*l*. Mrs. Clarke was to receive 200*l*. for using her influence with the Duke; she tells us, that she told His Royal Highness she was to receive "a compliment," and she did receive as the fruit of her labour the sum of 200*l*. Her evidence is (p. 9), that it was paid in *a* note of 200*l*. that is in *one note*. She is asked, "Did the Commander in Chief know from you the amount of the money you had received?" Her answer is "He knew the amount, because I shewed him *the note;* and *I think* that I got one of his servants to get it changed for me, through His Royal Highness." And, in the next page (10) of her evidence, she is asked, "What time of the year was it?"—"His Royal Highness was going down to Weymouth on the night that I changed *the note*, which was the reason that I got *the note* changed; *my servants could not get it changed, and his servant got it changed for me.*" The fact of changing this note, becomes the subject of further enquiry. Ludowick Orramin, who is proved, not only by himself, but by Peirson the butler, to be (p. 66), the only servant ever permitted by His Royal Highness to come to Gloucester-Place, denies having changed that, or any other note. To contradict his evidence, Mr. Peirson is called by the Honourable Gentleman. I am sorry to be under the necessity of dragging the House through the detail of Mr. Peirson's evidence (which is in page 66,) but it is much too important a part of the case to be left imperfectly stated. He was Mrs. Clarke's butler. He recollects the time when she went to Worthing, and the Duke to Weymouth, in 1805. He is asked, "Whether he recollects Ludowick, the servant, who used to attend the Duke, being ordered by the Duke, on an evening about that period, to take a note out and get it changed?" He answered, "I DO NOT." "Do you recollect any servant being ordered by the Duke to get a bank note changed?" His answer is, "I recollect Mrs. Favorite, the housekeeper, bringing down a bill in the morning, and Ludowick going out and getting it changed, and coming back and giving it to Mrs. Favorite again, and she took it up stairs." "Do you recollect any servant being *ordered by the Duke* to get a bank note changed?"—"No." "Do you recollect any servant taking out a bank note to be changed?"—"Yes, I do, on a morning." "Did you hear him ordered to do so by any body?"—"The housekeeper gave him the note, I saw her give him the note, and he took it out." "Do you know the amount of the note?"—"No, I do not." "Do you recollect what order she gave, in what words?" "No, I do not, in particular, what order she gave, but she gave him a note, and he was to go and get it changed." "Are you positive that that note was not given on the night, and the change brought back in the morning?"—"I am positive, I saw it given." "Was His Royal Highness the Duke of York in Mrs. Clarke's house at the time this note was givèn to Ludowick to get changed?"—"Yes, he was up stairs." Now, I trust the House recollects that the fact in Mrs. Clarke's evidence, which this witness was called to confirm, is, that *the identical note of 200l.* which she received from Mr. Knight in the morning of the 31st of July, was changed by the Duke's servant, on the night of that day, on which His Royal Highness left town for Weymouth; Mrs. Clarke leaving town at 4 o'clock on the following morning for Worthing. But this witness knows nothing of the note changed on that or any other night; he recollects only the changing of a note on some morning, the amount of which he does not recollect, but which could not by possibility have been the note which Mrs. Clarke speaks of; and therefore, Peirson's evidence, instead of confirming Mrs. Clarke's, as far as it goes, contradicts her. He is asked, "How long was it before Mrs. Clarke went to Worthing; was it the day before, or two days before, or three days before?"—"I do not recollect exactly, but it was a short time before she went to Worthing." Now, if it was not on the *very night* before she went to Worthing, it could not have been this note; and if it was not this very note, it could be nothing to the purpose of this enquiry. Then he is asked, "Was it in the morning of the same day that His Royal Highness went to Weymouth, that Ludowick took the note to be changed?" —"It was some morning *a little time* before."

But this gentleman, Mr. Peirson, tells us, upon his being called again, that he had the head-ache, when he was first examined, that it affected his recollection; and that an explanation of his evidence is therefore necessary. Before I proceed, however, to the examination of his further testimony, I must refer to what Mrs. Clarke tells us respecting him. She is asked this question, "On the first day of your examination, you stated, that a bill of 200*l.* which you received from Mr. Knight, was sent from your house to be changed by a servant of His Royal Highness; how do you know it was taken by a servant of His Royal Highness, and not one of your own servants?" She says, "I believe that I did not state that it was His Royal Highness's servant who took it, but that His Royal Highness had something to do with the changing of that note." (p. 108.)

Now, the fact is, that she did positively state, (as may be seen by reference to her examination, p. 10.) "That her servant could not get it changed, and that his, (the Duke's servant) did get it changed." But, since her first examination, Ludowick had been examined; and knowing his evidence, she was accordingly obliged to manage her own, in some degree to meet his, as well as to introduce the evidence which Mr. Peirson was to give upon his second examination. She adds, "And on Saturday or Monday morning, I do not recollect which it was, when it was raining very hard, I believe it was Monday, I heard where my butler lived, and I went into York-Place, and sent my footman to fetch him out. He came out without previous knowledge of who called upon him; and I asked whether he recollected any thing particular the evening that His Royal Highness was going to Weymouth, and myself in the morning to Worthing. He asked me to what point? I said about a bank note. He said, perfectly well. He had been trying all over the neighbourhood to get change for a note; that it was a very large note, he supposed a 50*l.* note; that he came into the parlour, and said, that he could not get change for it, and then His Royal Highness said, Do go to my wine-merchant's in Bond-street, Stephens's Hotel, and get change, and tell them where you come from. That on this same night he had called at Byfield's, the confectioner's, and tried there, and they could not do it; and that he went and saw Stevens's partner; it being very late, Stevens was not there, that he got change for it there, and that was the whole. But I told him he must come and speak about it, that a summons would be sent to him. I spoke to him the other night in the room, I do not know whether before he was examined, or afterwards, and he told me that he had called on Stevens in Bond-street, and that they would not give him any information about the note, which I believe he did not state in the House."

This conversation, in York-Place, she says, passed between her and Peirson before he was called to corroborate her story, and she so far imposed upon the Honourable Gentleman, as to induce him to believe, that, if Peirson was called, he would substantiate what she had stated. He is called; when, instead of his saying it was a note for 200*l.* 100*l.* or 50*l.* he knows nothing of its value. He was examined as to a note changed at night; he denies it, but recollects there was one given to Ludowick, to be changed in the morning. When he first came, his head-ache had so deranged him, that he talked only of a note which Ludowick went out in the morning to get changed, and brought back again. He comes again, and in page 147 the House will find his further evidence. His former evidence was read over, and he was addressed in this way: "Is there any part of that evidence on which you wish to make any observation, or alteration, or any addition?"—"No alteration. On the night that the Duke of York went to Weymouth, about 10 o'clock at night, I was sent out to get a bill changed; I went out and got it changed, and brought it in, and I returned it to Mrs. Clarke; she looked it over, and said it was all right. The Duke of York was present when I gave the bill to Mrs. Clarke, and received it from Mrs. Clarke." Such is the recollection of this witness upon his second examination, and this he calls no alteration of his former evidence.

It is here necessary to observe, that the evidence of this witness, upon his second appearance, as far as the Honourable Gentleman's examination was concerned, would have closed with the answer to the first question, namely, "The Duke of York was present when I gave the bill to Mrs. Clarke, and received it from Mrs. Clarke;" and if his evidence had closed here, every thing respecting the amount of the note, and the place where he says he got it changed, which gave the means of shewing that even this evidence, so far from confirming, contradicted Mrs. Clarke, as to the identity of the note, (which is all that is important upon the subject of it,) would have been sunk; and every thing that enabled us to falsify his evidence, by proving that he did not get it changed where he said he did, would also have been lost to the truth of this enquiry. What follows in his evidence is upon the cross-examination. "Have you spoken with nobody about it?" —"With nobody, I have not spoken to any one." He afterwards says, that he met Lodowick in the Park, who observed, that one of them must be mistaken, but he could not say how it was. He is asked if that was all that passed between you and Ludowick? His reply is, "It was all that passed between him and me, except he said, that I must make a mistake; that there was a bill brought down one morning in his presence, of 10*l.* by Mrs. Favorite, and given to a girl to go out and get changed, and he thought I must have made a mistake about that bill." He does not then proceed to aver that he did not make a mistake, but he leaves Ludowick's observation unreplied to, and it must therefore be considered in fairness, that he admits that observation as a correction of his former evidence. He is asked, "Did not you make a communication to Mr. Wardle, or speak to him to say that you wished to alter your evidence?"—"I called upon Mr. Wardle, and told Mr. Wardle about the bill that I received from Mrs. Clarke, and went and got change for, and returned that night, in the presence of the Duke of York. I told Mr. Wardle that I had done that." "What was the amount of the bill you got changed?"—"I think 100*l.* but I am not certain." If Mrs. Clarke were to be believed, he told her it was 50*l.* "Where did you get the bill changed?"—"I got it changed at Mr. Byfield's and Mr. Bridgman's; *Mr. Bridgman and his wife* changed it for me, confectioners, in Vere-Street." This gives us another circumstance. Mrs. Clarke says he told her, (p. 108.) that he got it changed at Stevens's hotel, but that he had called at Mr. Stevens's and he could get no information from them;" he then, finding that Mrs. Clarke had told us, that Mr. Stevens recollected nothing of the circumstance, comes with an altered statement, and asserts, "that it was Mr. Bridgman and Mrs. Bridgman, and not Mr. Stevens, (p. 271,) who changed it for him." But here he is equally unfortunate, Mrs. Bridgman is called and contradicts him; for she states, although he did come on some night (without being able to ascertain even the period of the year) with a note, yet she did not change it; she adds, that she did not see the note, therefore knows not the amount of it, but believes he told her it was for 100*l.* This, Sir, is the history of the note, and upon the whole, what is the fair result of that history? That there is not a single fact, stated by Mrs. Clarke, respecting the changing of this note, which was capable of being disproved or confirmed, which is not disproved, either by the context of her own evidence, or by the evidence of some other witness. If indeed it had been otherwise, and Mrs. Clarke had been confirmed in this fact, of a 200*l.* note having been changed, and by the Duke's own servant, it would still have proved nothing, as to His Royal Highness's knowing that she obtained the money from Mr. Knight, as a reward for her interference. We should even then only have had *her word*, as to His Royal Highness's knowing whence she obtained it; and but for her word the note might have been one which His Royal Highness himself might have furnished her with for the expences of her journey. But though the confirmation of these circumstances, would have proved nothing against the Duke's innocence; the disproof of them is conclusive against her veracity. Unless not only a note, but a note for 200*l.* was changed, her evidence is wilfully false. Taking all the circumstances of her evidence together, you see her varying and fashioning her story to the other evidences as she understands it. Before Ludowick was called, she had been positive the Duke had given it to one of his own servants; after he had been called, she withdraws that assertion.

As to Mr. Peirson's evidence, a more extraordinary testimony was never given.—In his first examination he does nothing to confirm Mrs. Clarke; but he rather brings into question the accuracy of Ludowick—he is called again, he sets up Ludowick's evidence, but he destroys his own; and in no alteration of his story does he confirm Mrs. Clarke. I contend, therefore, that there is a plain contradiction and disproval of that material fact in her evidence, which was introduced for the purpose of fixing upon the Duke of York, the knowledge of her having received the money on account of the exchange between Colonel Brooke and Colonel Knight. —Is there not then in this case, pregnant decisive evidence of Mrs. Clarke's having invented a false fact for the purpose of gratifying her malice and revenge, for the purpose of destroying the character of the Duke of York? — I repeat, Sir, with confidence, that the fair result of this case is, not only that Mrs. Clarke's evidence is not intitled to the slightest belief, but also that His Royal Highness had no knowledge of her corrupt conduct in this transaction. For it appears first, that the exchange was completed before she interfered; and secondly, that the circumstance relative to the note which she, as it were, appeals to, as confirming her assertion, that the Duke knew of her corruption in this transaction, is disproved by the very witness who is called to support it.—She is therefore utterly disgraced and discredited by this story.—If there was nothing else against her testimony, but her confutation in this case, she ought not to be believed in any other. Having thus once clearly detected an accomplice, by such inconsistent evidence in the act of endeavouring to fasten upon the accused a participation in her guilty practices, I cannot but feel confident, that it is impossible the justice and penetration of the House, can be so over-reached and deceived, as to suffer any unfavourable impression to attach upon His Royal Highness, upon any evidence which comes from so polluted a source.

I scarcely know, Sir, whether it is necessary to advert to the observations made upon the wording of Colonel Gordon's memorandum, upon the original application for this exchange.—He tells us that, by the words, "It "cannot be acceded to," nothing more was meant than it was not to be acceded to, at that time, but that it was kept open for further enquiry; — but Gentlemen choose to understand this memorandum of Colonel Gordon's, made not as a record of office, but a private memorandum for his own use, better than he understands it himself;—yet it is clear that it was not meant as a conclusive refusal; nay it was clearly understood by the parties themselves, not to have been finally rejected;—for Mrs. Clarke was applied to; she was not to procure what could not be had without her,—*but to expedite what was delayed*, (as appears by the evidendence both of Dr. Thynne and Mr. Knight) on account of Colonel Brooke's services appearing not to warrant, without further enquiry, the exchange in his favour; but when the enquiry was made and proved satisfactory, the exchange was completed. And here we have an observation made by the Honourable Gentleman, which serves only to shew the precipitancy with which his prejudices lead him to seize any observations, which promise to be unfavorable to His Royal Highness; — he arraigns the fitness of Colonel Brooke for such a commission as not having been of standing sufficient, according to the regulations of the army, to hold the rank of a field-officer;—yet if the Honourable Gentleman had only looked at the very paper by which he learned the length of Colonel Brooke's services, he would have found that the fact of this officer's appointment to the rank of major, had actually taken place before the Duke of York came into the office of Commander in Chief. Of that offence, therefore, I trust, the Honourable Gentleman himself will agree that the Duke of York is entitled to be acquitted.

I have troubled the House long enough, I fear they will think too long, with this case; but I cannot yet leave it without observing, that this was the first case which Mrs. Clarke brought forward; that in this case we were referred to dates and circumstances, which dates and circumstances completely refuted her. It will be seen that, in the subsequent cases, though she was not more successful in establishing her charges, yet, as if warned by her failure in this, she would not furnish us with the same means of refuting her; and from this time she particularly forgets all *dates*.

It would now be in order for me to proceed to make some observations on Captain Maling's case, if I thought that any were necessary. But this case, it will be recollected, the Honourable Gentleman distinctly gave up, as wholly failing him: He now, indeed, has thought proper to return to it, and it has occupied a considerable part of his speech; but I am sure I should be wasting the time of the House, if I were to say a word upon it. The Honourable Gentleman, was wholly mistaken in all the particulars of it; and if he had been correct, if it had appeared in proof, that Captain Maling had been serving at Mr. Greenwood's desk, as the Honourable Gentleman stated, instead of being with his regiment, as it was proved; still it would be utterly impossible to connect his promotions with any charge or any suspicion of corruption.

Passing by, therefore, as unworthy of further notice, Captain Maling's case, I now come to the case of Colonel French's levy; a case which peculiarly requires the attention of the House, because it is in this case that there exists the circumstance of confirmation from Miss Taylor's evidence, which has appeared to make so much impression upon some gentlemen.

The Honourable Gentleman, (Mr. Curwen,) who spoke second in the debate, on the other side of the House, when observing upon the evidence of Miss Taylor, stated, that whatever might be the objection applying to Miss Taylor's evidence, yet when once a suspicion was raised against the Duke of York, it let in her evidence; and upon the ground of the previous suspicion, her evidence acquired a degree of strength, which otherwise would not have belonged to it. The Honourable Gentleman, must give me leave to observe, that this is the most perverse reasoning that can be adopted. The suspicion raised against the Duke of York, by Mrs. Clarke's evidence, requires the testimony of some unsuspected witness to confirm it: Miss Taylor is called as such witness; and then the Honourable Gentleman conceives that Miss Taylor's testimony, instead of confirming the ground of his previous suspicion, derives from that very previous suspicion, the only support by which it can stand itself. And yet, Sir, this evidence of Miss Taylor, I will venture to assert, is not only the strongest, but the only confirmatory evidence, which the whole case affords to Mrs. Clarke's assertions of the Duke of

York being acquainted with her corrupt practices. We shall presently see what weight belongs to it.

That Colonel French's levy went through all the regular forms of office, and was submitted to General Hewitt, the inspector-general of recruits, is admitted to be true, and, therefore, I need not trouble the House by referring more particularly to the official documents; but we have it unquestionably in proof, that Mrs. Clarke received considerable sums of money, both from Colonel French and Captain Sandon, on account of her supposed interference with the Duke, in favour of the levy; and Mrs. Clarke, as usual, gives us to understand, that the Duke of York was informed that she did so. The important part of the case is the conversation at which Miss Taylor is supposed to have been present, and which is urged as the confirmatory proof of the Duke's knowledge of Mrs. Clarke's corrupt advantage from this levy. It appears to me, Sir, I confess, that, unless there is somewhat of a previous prejudice in our minds, such as the Honourable Gentleman alludes to, preparing them to believe the evidence of Miss Taylor, there is a good deal in that evidence itself, which should induce us to withhold our belief. I will not dwell upon the circumstance, that her father went by the name of Chance, and carried on his business, as a broker, in Change-alley, under that name; and yet she, though living with him, at a few miles distance from thence, at the time, says she never knew that he went by that name: this is indeed, not very probable, and I confess I cannot believe it; others perhaps, may believe it, because there seems to be something in this case, which makes gentlemen disposed to believe what, I am confident, they would not believe in any other case: but putting that out of the question; who is Miss Taylor? how is it that she represents herself? She represents herself as having been for the last ten years, a most intimate friend of Mrs. Clarke. Does that intimacy give this House any high opinion of her character? does it make her a more unsuspected, a more credible witness? Further, she has been relieved by Mrs. Clarke in her distress; she has been recently dependent on her charity. But then it is asked, because she is acquainted with Mrs. Clarke, and because she has been relieved in her distresses by her, does it follow, that she is not to be believed as a witness? I do not say or contend that it does; but I do contend, that it furnishes the occasion of some suspicion, of some hesitation, before we surrender up our belief to her testimony, as an unsuspected witness. We have, it must be recollected, one contaminated witness before us, whose evidence is impeached, and requires to be supported and confirmed. Is it then, let me ask, from an old intimate friend and companion of that witness, and in a state of dependance upon her bounty, and therefore most likely to be under her influence, that such support can very satisfactorily be obtained? Is not the evidence of Miss Taylor under such circumstances, rather in want of support and confirmation itself, than capable of giving support and confirmation to Mrs. Clarke? She has, for years, lived, and is still living, in habits of strictest intimacy with Mrs. Clarke, a person of notoriously vicious principles, of depraved character, and loose habits of life; but what is most deeply to be lamented and condemned is, that so connected and so associating with one of the worst of her sex, she has set up a boarding-school; professing to educate young ladies in virtue; the guardian, the pattern, the instructress of their morals! Is not this, Sir, sufficient of itself to impeach her credit? Is not such a profession, assumed by such a person, a standing fraud practised upon the community? To judge of the quality of such conduct, let any gentleman imagine what his feelings would be, if, having been led to intrust his own daughters to her care, to receive their education, to be instructed in those principles of duty which he would wish to be instilled into their minds, he had discovered that the school-mistress to whom he had intrusted them, was the companion, the visitor, the friend, the dependant, of Mrs. Clarke?—Gentlemen seem to be noting down my words, as if they conceived me to be saying something that was harsh and unfeeling; and we are told, that the cross-examination of Miss Taylor has been most unbecoming; that proving herself to be illegitimate, and her parents to be in poverty, has ruined her school, removed her scholars from her, and brought upon her her creditors. Sir, Miss Taylor was brought here as a witness, whose testimony was to confirm Mrs. Clarke, and to establish, falsely establish, as from my conscience I believe, the charge of infamous corruption, upon the Duke of York; it was necessary to know who Miss Taylor was; what were her connections, what her habits of life. In tracing these particulars, it turned out, that her parents were not married, that they had for some time been going from place to place, changing their habitations; and though undoubtedly nobody would contend, that a witness was not to be believed because she was not legitimate, or because her parents were in distressed circumstances, yet I would ask any man, if the examination had turned out otherwise, and if she had appeared to be, as she would have done but for this cross-examination, the daughter of respectable parents, in circumstances of credit, we should not have heard her credit enhanced, from being so respectably connected. But this cross-examination has ruined her school, and involved her with her creditors! I am sorry, and I feel as much as any man, for the distress of any fellow-creature, Miss Taylor, as well as any one else; but I cannot believe, that her cross-examination ruined her school; it was enough to ruin her school that she appeared as the friend and companion of Mrs. Clarke, and I confess, I cannot bring my mind to lament that Miss Taylor's business as a school-mistress to young ladies is put an end to. I have some feeling for the parents, I have some feeling for the children; my feelings are not wholly absorbed by Miss Taylor. But supposing this event to be more to be deplored than I think it is, and that it had been occasioned by this cross-examination; what then? is that examination, therefore, to be condemned? What, Sir, are we to be sitting in judgement in a case like this, and to reserve all our feeling for the witnesses, and to have none for the accused? Is the Honourable Gentleman to be at liberty, in pursuit of, what he thinks, justice, to found the charge of corruption against His Royal Highness upon the evidence of this witness; is he to be applauded for so doing, and am not I to have equal liberty to repel the charge? Am I to be condemned, if, in the pursuit of what I, with equal sincerity, think and feel to be, the cause of justice; I shew who that witness is, what her connections are, and why we ought to pause, at least, before we implicitly believe her? Sir, I should feel that I was disgracing myself in the eyes of this House and of my country, if, from any principle of false delicacy, of morbid sensibility, as I should consider it, I were to abstain from that conduct, as well as from that language, which the justice of the case requires; I should be relinquishing, I should be betraying the cause of the Illustrious Person whom I think totally innocent of the offences attempted to be charged upon him, by a conspiracy of malicious wickedness and falsehood, if I did not express myself in terms, which I consider applicable to the conduct and character of those whom I can view in no other light, than as infamous conspirators against his honour and his character. I am sure there is no rational and unprejudiced mind, that will think I am guilty of any impropriety in making these observations.

But supposing the character of this witness to be as unexceptionable as I conceive it the reverse, what is the sort of evidence she gives? Precisely that which we expect to hear from a witness, who comes to speak to a particular fact, with respect to which she has been tutored and prepared. She states the dry fact to which she is particularly interrogated, and knows nothing more. Her memory is quite accurate as to what she wishes to remember—it is a blank as to every thing else. She tells you that about four years ago (p. 472) she was present at a conversation, in the course of which, the Duke of York made use of the words he is supposed to have used respecting Colonel French's levy: she recollects nothing else of their conversation, which passed in her presence: she never mentioned the conversation to any one, from that time 'till within three weeks or a month before she was examined, when she was asked about it by Mrs. Clarke: she forgets how Mrs. Clarke introduced the subject; she forgets whether any one was present, though it was but the other day; she does not recollect any one circumstance that has occurred lately, though she has so distinct a recollection of this scrap of a conversation which passed four years ago. Is it possible, that any thing can be more suspicious than such testimony? nay, Sir, is it possible that there can be any thing less credible? Would it not render suspected, the most unblemished witness? Can the House feel justified in fixing the charge of corruption on the Duke of York, upon such evidence, from a witness connected with Mrs. Clarke, and dependent upon her, as Miss Taylor is? Consider, Sir, how extremely improbable it is, that the Duke of York should have used these words, at least in the sense in which he is made to use them, in the presence of this woman: how unlikely it is, that he should be so indiscreet as to have put himself so far in the power of Miss Taylor, in whose presence, as appears from her own evidence (Mrs. Clarke's,) His Royal Highness does not appear to have conversed before upon any subject relative to military transactions. I know some gentlemen think Miss Taylor ought to be believed, because it is imagined that if the conversation had been invented, it would have been more pointed, and it would have more distinctly referred to the pecuniary profit which Mrs. Clarke was deriving from Colonel French. But, Sir, this only shews that Mrs. Clarke knows better how to instruct a witness, than the gentlemen who so criticize the evidence. The difficulty of believing that the Duke said these words in her presence, remotely as they refer to the corrupt transactions of Mrs. Clarke, is very great: but it would have been wholly incredible, if they had more directly alluded to them. No one could have been imposed upon to believe His Royal Highness so unguarded, as plainly to allude to such transactions in the presence of a person who admits, that he never before mentioned such subjects in her presence, and who, Peirson the butler says, never was admitted into His Royal Highness's presence at all.

But what was the conversation? (p. 123) ' " I am continually worried by Colonel French; he worries me " continually about the levy business, and is always " wanting something more in his own business." ' Turning to Mrs. Clarke, I think he said,' " How does he be-

" have to you, darling?" ' or some such kind words as he used to use; that was all that was said. Mrs. Clarke replied,' " Middling, not very well." ' The Duke said, " Master French must mind what he is about, or I shall " cut up him and his levy too." ' Now, Sir, is this probable, is it possible? If the Duke asked the question in the sense in which it is understood, would Mrs. Clarke have answered, " Middling, not very well." Would that have been her answer, if the question related to money? The whole engagement with her, was, that she was to have received 2000*l.* if the levy went on and succeeded; and, much as it had failed, she had at that time received 1300*l.* She would naturally have been desirous of preserving, not of cutting down the levy; she would have cherished the means of future emolument, and not foolishly have broken this golden egg. Colonel French had given her more money in proportion to the men he had raised, than he had engaged to give her; and of course, if she had understood the question of His Royal Highness, as referring to money transactions, she would have said, " He be- " haves very well to me, whatever he may do with re- " gard to you; to me, at least, he keeps his faith."

From the observations which I have made on Miss Taylor's evidence, it may well be doubted, whether any conversation passed upon the subject of Colonel French's levy in her presence, but it never can be believed upon such testimony, that she could have been present at a conversation so unguarded, and so improbable, as she describes; if any passed at all, how easily might words be introduced, or suppressed, which may have altered the whole effect of it; and that Mrs. Clarke's friend, Miss Taylor, is capable of having so altered it, and that it is more probable that she should have done so, and concerted that alteration with Mrs. Clarke, than that the

Duke should, in her presence, have used such language with such meaning, I certainly do, myself, believe.

* But this case is supposed not merely to furnish proof of corruption against the Duke of York; the Honourable Gentleman contends, that it manifests that gross neglect of duty, which incapacitates His Royal Highness from any longer filling his high office. It is imputed to him as a high offence, that after it had come to his knowledge, that every man raised by Colonel French cost the country 150*l.*, he should still have permitted that levy to go on. Now, Sir, it should be recollected, that the whole of this enquiry originated out of a complaint made, not *against* Colonel French, but *by* him. In his letter of the 15th January, 1805, (p. 195) he complains of General Taylor's persevering hostility to his levy: on the 19th January, this complaint is referred to Lord Cathcart, by a letter from Colonel Gordon; this brought from Ireland General Taylor's defence of his conduct, in a letter of the 8th February, from Colonel Kirkman, (p. 196), in which, undoubtedly, many great complaints are made against Colonel French, and in which, the amount of the expence per man is stated at 150*l.* But, it does appear, whatever may have been Colonel French's conduct, and the ill success of his levy, in other respects, that he was so far well founded in his complaint, that he had not had the benefit which he was entitled to, under his letter of service. On the 20th February, Colonel Gordon returns the Duke's answer to the report, in which answer full credit is given to the motives of General Taylor; but Colonel Gordon adds, " It certainly appears,

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* Mr. Perceval recurred to this case in his speech of the following day, making some additional observations, which we have incorporated and brought together in this place.

" that a premature judgment had been formed on the " probable success of the exertions of Colonel French, " and that the terms of his official letter of service " were not allowed him. I am further commanded to " transmit to you, a copy of a letter which the Com- " mander in Chief has instructed the Inspector-General " to write to Colonel French; and should it hereafter ap- " pear, that with every reasonable facility, Colonel " French should fail in the engagement he has under- " taken, it is the intention of His Royal Highness to " communicate to that officer, that his levy should be " discontinued."

The letter inclosed was dated the 2d February, in which General Whitelocke acquainted Colonel French, that, " Unless a very considerable increase shall take place in " the number recruited prior to the 1st April next, His " Royal Highness will feel himself under the necessity " of recommending to His Majesty, to discontinue a " levy so unproductive." Although some more men were recruited, as appears by the return from Ireland (p. 211), yet that number was not sufficient to justify its continuance. On the 11th April, (p. 211) a complaint was made to the Inspector-General of the recruiting service, of the misconduct of the temporary serjeants belonging to the levy in the London district; and on the 16th April, (p. 212) His Royal Highness writes to the Secretary at War to discontinue this levy. These, Sir, are the facts and the dates of this transaction.

The fact which the Honourable Gentleman principally adverted to, as that which should have occasioned the immediate discontinuance of the levy; namely, the cost of 150*l.* per man; that fact, Sir, would, in my opinion, justly induce a prudent person rather to try the levy a little longer, than to give it up just at that time. Why?

because the whole, or at least a great part of all the expence of the machinery, if I may so express myself, for carrying this levy into effect, had already been incurred. The appointment of the serjeants and non-commissioned officers had taken place; the expence of these appointments occurred at the commencement of the levy, and before it could proceed. Now, suppose that the levy, instead of being stopped at the end of twelve months, had been closed at the end of one month, there can be no doubt that the ratio of expence to the public, in proportion to the men raised, would have been infinitely greater. There is nothing therefore, in this case, which shews the Duke of York to have neglected the public interest, in continuing the levy after he had been informed of the expence with which, up to that period, it had been attended.

It is supposed, that the Duke of York shewed a considerable degree of tenderness to Colonel French, and that he must have done so through the influence of Mrs. Clarke. Now, let us see how this stands. On the 2d of February, notice is given through General Whitelocke, of His Royal Highness having taken the subject into consideration; and let any man refer to the language of General Whitelocke's letter, and then let him say, whether there is any thing in that letter which shews any improper disposition to indulge Colonel French? It will always be recollected, that it was owing to the expence of the recruiting serjeants, and so few men having at the time been raised, that this levy appeared to be so disadvantageous to the public. His Royal Highness determines, on the 2d of February, to discontinue it, if a very considerable increase should not take place within a limited period. On the 11th of April, a formal complaint is made by the Inspector-general of the recruiting service for the London district, and within a very short time afterwards, General Whitelocke communicates to Colonel Gordon, that he had been disappointed in his expectation with respect to the levy, and he desires it should be given up.

But what is the language of the letter of His Royal Highness on the subject? It seems the Duke of York is to be presumed to be guilty, because he did not express himself in terms of more violence. Is there any thing which the Duke of York could have said, that could have given a stronger complexion to his disapprobation? Or, was there any thing that called upon him to have recourse to more violent measures, or to adopt a different character of expression, from that which is to be found in his letter to the Secretary at War? It is dated on the 16th of April, 1805, and is in these words:—" Sir, as it appears by the return of Colonel French " and Captain Sandon's joint-levy, that it is not by " *any means so productive as might have been expected,* " and as the Inspector-general of the recruiting service " has represented, that the conduct of the whole of the " temporary serjeants of that levy, now in the London " district is highly improper and detrimental to the service, I have recommended to His Majesty, and His " Majesty has been graciously pleased to approve of " this levy, being forthwith discontinued, agreeable to " a clause of the Letter of Service to that effect; and I " have therefore to request, that the necessary information may be given to Colonel French and Captain " Sandon accordingly. I have ordered a communication to be made to the Commander of the forces in " Ireland, and to the Inspector-general of the recruiting service on the subject." These are the expressions—in my opinion the appropriate expressions—in which the Duke of York announces his determination to discontinue the levy. Is there any thing in this language, that should induce the least suspicion of the Duke of York intending to favour Colonel French? Ought not the suspicion rather to be the other way? If the Duke of York was conscious that Colonel French and Captain Sandon, knew that he had been corruptly pocketing 1300*l.* of their money, would he have turned them adrift in this manner? Would he not have given them some compensation for being deprived of the profits of this levy, which profits were to furnish 2000 *l.* to the Duke of York and his mistress? It may, perhaps be thought, that after the complaints which were made against this levy, the scandal of continuing it would have been too notorious; that it was necessary therefore on account of the public opinion, and the feeling of the army, that it should be discontinued. But still some promotion, some advantage in another shape, might have been afforded to those concerned in it; and I do put it to the candour and good understanding of every man who hears me, whether, if the Duke of York had been sensible, that he was participating in the corruption of Mrs. Clarke, and that those persons must have known of it, he would not have done something for Colonel French and Captain Sandon, with a view to the alleviation of their disapointment? whether, in short, he would have cut down their hopes at once, and have turned them forth, in a manner to provoke them by the natural impulse of their irritated feelings, to afford the means of his detection, and to expose his corruption? Yet it is true, that after this levy was discontinued, there was an application on the part of Colonel French and Captain Sandon, for a modification and renewal of the levy. They wished for an opportunity of making the trial again; but the Duke of York positively refused his consent; and I must leave the House to determine, whether this was the conduct of a man who had any cause to fear the displeasure of the persons whose applications he refused?—With respect to the report of General Taylor, it is fair to observe, that the officers of the army dislike this mode of recruiting for general service, as contra-distinguished from regimental recruiting; yet it is matarially essential to many parts of the service, especially for the East-India Company's service, that it should go on; and the difficulty of procuring men at the time we are alluding to, being considered, no one will be disposed to deny the necessity which existed for thus recruiting men for general service.

It was natural that Colonel French, who appears to have been successful in a former levy, should have offered, and that his offer should have been accepted, to raise a number of men by general levy at this particular period; and the offer having been accepted on given terms, it was necessary and essential to justice, that Colonel French should have the opportunity of making his exertions, with all the advantage which the Letter of Service allowed to him. Upon the whole, then, I feel confident, that as upon a due examination of this case, there is no ground for imputing to His Royal Highness any knowledge of Mrs. Clarke's corrupt practices; so neither does it furnish any ground whatever for imputing to him any criminal neglect of the interests of the public.

The next case which was brought before us, is the case of Major Tonyn; and I cannot help observing, that there is no one case, amongst all the charges, in which the whole progress of the transaction appears to be more demonstrably uniform, regular, and official; originating in a most respectable and natural source of application, and effected under circumstances in which the idea of the influence of Mrs. Clarke, or of any one else, is most clearly and satisfactorily negatived and excluded. It arises not only out of the recommendation of a general officer, but that general officer the Father of Major Tonyn. It was well and favourably received, but for a time was not successful. At length it succeeds, but when? and how? Does it succeed on Mrs. Clarke's application? Unquestionably not. Colonel Gordon tells us, (p. 175, &c.) that when it was in contemplation that there should be a great increase in the army, not less than fifty battalions, "I "received orders," he says, "from the Commander "in Chief, to prepare a list of the senior officers of "the army, of each rank, and to take their names from "the book of recommendations where they had been "noted." In consequence of this command he did prepare a list: Major Tonyn's name was upon it: there were fifty three appointed to majorities; among them were twenty-nine captains of the years 1794, 1795, 1796, 1797, and one of 1799: (Captain Tonyn was of the year 1795, in which year there were only six captains senior to him in the service.

The only delay which occurred after this list was made out, was, a delay which arose out of the nature of the case. Major Tonyn's appointment went on with all the rest; it was part of the general arrangement. Any measure which should have had for its object either to forward or retard the promotion of Major Tonyn, would have affected the progress of the whole. It appears indisputably, that any application to Mrs. Clarke, must have been quite unnecessary on the part of

Major Tonyn. If he did apply to this intriguing woman, in consequence of her falsely pretending and inducing him to believe that she possessed the means of influencing the Commander in Chief, it only shews that he was weak enough to be grossly imposed upon by her. For it is incontestably proved, and a fact which does not admit of the remotest possibility of doubt, that his promotion would have taken place, and did actually take place, without any other application than that of his own Father. Can then this House, upon the evidence of such infamous witnesses as have appeared at its bar; can it, upon any evidence it has heard, suppose for one moment, that His Royal Highness, having determined upon the promotion of Major Tonyn, upon such clear grounds, could have lent himself to the disgraceful purpose of fabricating a note to induce Major Tonyn to believe that he would either retard or accelerate his promotion, according as Major Tonyn did or did not leave the sum of 500*l.*, in the hands of his agent, for the benefit of Mrs. Clarke? Is it within the scope of human imagination to suppose, that if he could have been so base as to have done this, he should have committed himself by a written note, to make himself appear an instrument in such a transaction?

This note, from the manner in which it was first kept back by Captain Sandon, and at length extorted from him, has naturally excited much attention; and these circumstances have possibly given it an importance which would not otherwise have belonged to it. It is said to have been written by the Duke of York himself, is directed to Mr. Farquhar, the name by which His Royal Highness frequently addressed his letters to Mrs. Clarke, and it is sealed with his seal. The words of it are, "I have received your note, and Captain Tonyn's "business shall remain as it is. God bless you." As to the proof of the hand-writing, it does not rest, certainly, on Mrs. Clarke's evidence alone. Those most conversant in His Royal Highness's character of hand-writing, all think it very like his hand: one only (General Brownrigg) says he does not believe it to be his. But still I think we have strong and pregnant evidence to induce us to pause, before we do conclude that it is his hand-writing. The House is too well aware that there is such a thing as forgery, as successful forgery; but, in order that the forgery should succeed, it is necessary that the person whose object is deception and fraud, should be able closely to imitate the hand-writing, by which the fraud is to be effected, and the parties to be imposed upon; unless the forgery is well executed, it can impose on no one. Is the House not aware that Mrs. Clarke has had the infamous audacity to boast at its bar of the dexterity with which she can imitate the hand-writing of others? how she has admitted that she could imitate the Duke's? Does it recollect to what a dangerous extent this abandoned woman is gifted with the faculty of adopting her hand-writing to the style and manner in which others write? Does it advert to the very important circumstance, that she had the letters of the Duke of York constantly before her; and that if it was her intention to write a short note which should have every appearance of his hand-writing, how easy it was for a person of her ability to execute her design? That among the notes of His Royal Highness which she has given in at the table, there appears one or two in which the very words in this note about Tonyn are introduced; that she had only to look at the words, which would answer her purpose—that she had only to select and copy those particular notes which would furnish her with a pattern to imitate? Can the

House contemplate all these facilities which Mrs. Clarke possessed in so eminent a degree, and not entertain, even more than a doubt, as to the fact of this being the note of the Duke of York? It does stand undoubtedly in evidence as a piece of paper, on which there is hand-writing to a small extent similar to the hand-writing of the Duke of York. The contradictions in the evidence, as to the fact, ought to make one pause. I am ready to admit, that upon the testimony of the witnesses, who have been called from the Bank and the Post-office, to state their opinion of the authenticity of this note, the balance of the evidence is in favour of its being the hand-writing of the Duke of York; but is it not possible that the witnesses may have been deceived by the closeness of the imitation? There was a doubt in the minds of all the persons who were acquainted with the hand-writing of His Royal Highness; General Brownrigg does not think it is his hand-writing; and the result, I think, fairly is, that the question is so far involved in doubt and obscurity, as fully to justify this House in hestitating, before it comes to any conclusion upon its authenticity; as however, I cannot disguise from myself, that it does appear that the impressions of the House upon the direct evidence seems to be in favour of the authenticity of the note, it is necessary to examine the collateral evidence which we have upon the subject of it. Captain Sandon, when he was at length brought to admit the existence of the note (p. 360), says, that it was given to him to shew and prove to Captain Tonyn, that his promotion would not go on, unless he paid the money. "I took the note," he says, "and produced it to Major Tonyn with that "message"—and he then says, he was induced to wait three or four days, and Mrs. Clarke got her 500*l.*—In page 401, he gives a direct contrary interpretation to it,

—he is asked, "Do you recollect the purport of the note?"—"No, I entirely forget what it is." (The note was read.)

"Hearing the purport of this note, state how this "note, which mentions a stop to the business, could pos- "sibly encourage Major Tonyn in the idea of its going "forward?"—He says, "Does it not say it is to go on? the "contrary, it says it stops; it still remains as it is." "How "can it then encourage the gentleman in the expectation "of its going on?"—"It was then going on, and I should "imagine, it was meant it should go on."

"What do you understand by the expression, it shall "remain as it is?"—"I really do not understand it, I must "confess."—This is Mr. Sandon's account of the note.

As to Mrs. Clarke's understanding of this note, if it was a forgery, she would not be very ready to acknowledge any recollection of it; and she tells us, she has not the slightest recollection of such a note; that she was so careful of the notes she received from the Duke of York, that it was impossible for her ever to have let any paper of his come into the hands of Captain Sandon.—Now it must be recollected, that at the time when Sandon tells you this note was used, Mrs. Clarke was in danger of losing the money:—Could she have forgotten that circumstance?—If she had written to the Duke of York respecting Major Tonyn, for the purpose of securing the money, and had received this note in answer, and authorised Sandon to shew it, is it possible she should not have recollected it?—The House may not be disposed to lay any stress upon the evidence of a witness who has disgraced himself, like Captain Sandon; but it is all we have upon the subject. If we do not refer to his evidence, we have nothing to refer to;—Mrs. Clarke cannot help us, or will not help us, which comes to the same thing; and Captain Sandon further tells us, the note was to prove to Major Tonyn, that if he took away the money, he would lose his promotion; and then again, that it was to make him believe it was going on.—The note, without external circumstances to explain it, is wholly unintelligible; the circumstances with which we are furnished by the witnesses, increase rather than remove the difficulty of understanding it. If you cannot refer to any evidence which is to prove when the note was used, or for what purpose it was written, you may let your imaginations loose; you may guess, or invent, any explanation of it; but that will not be proof, it will be mere conjecture; and it is not upon conjecture that this House will convict the Duke of York, or any man whatever, of corruption.

But these observations only shew, that Captain Sandon's explanations and history of the note are not *satisfactory.*—I will now shew the House that they are *impossible.* Captain Sandon tells you, that the note, when he received it from Mrs. Clarke, was wrapped up in the cover of another letter; that, some days before Major Tonyn's promotion was in the Gazette, he shewed the note to Major Tonyn; and that he, in consequence, did say he would wait some days longer. Now, Sir, this is impossible. Major Tonyn's promotion was gazetted on the *ninteenth* of July, 1804; but the cover of the other letter, in which Captain Sandon says he received the note from Mrs. Clarke, has the Dover-post mark of the *twenty-second of July.* It is therefore utterly impossible, that any note which he received from Mrs. Clarke in that cover, could have been shewn by him to Major Tonyn before he was gazetted.

Connected with this note, it is necessary to refer to a letter from Mrs. Clarke to Captain Sandon, which appears among Captain Sandon's letters, in page 378 of the printed evidence;—that letter appears to have been written by Mrs. Clarke from Weybridge, on the Thursday preceding the Saturday, when the promotion of Captain Tonyn took effect; the letter has these words in it: "He has ordered him (Captain Tonyn) to be gazetted, and is fearful it will be done ere he can stop it; he will be at the office to-morrow, and, if not too late, will stop it. He assured me it was entirely owing to me that he thought to do the best, by putting him where two Majors had left, Astlett and Bligh, and he would of course be two steps higher. I hope to see you to-morrow, when you will be able to give me the answer from Tonyn. I shall be in town about five."—Now, Sir, this information, which she pretends to give, is false. There was no regiment from which Majors Astlett and Bligh had been removed. It must have been therefore mere invention to impose upon Sandon and Tonyn, or both, for the moment, to induce them the more readily to believe that she had been instrumental in procuring the appointments from the Duke. But how can you apply this letter to the note in question? The words of the note are, "I have received your note, and Tonyn's business shall remain as it is." The letter which I have just read, from Mrs. Clarke to Sandon, was written on Thursday the 17th; it was sent by the Twickenham post, and received in town the same evening; and she says in it that she is to be in town at five o'oclock the next day. The Duke of York was to go to the office on Friday, to try and stop the promotion. It is not stopped. If this note then was written at this time, "it shall remain as it is," must mean that it should go on. But this would be inconsistent with the supposition; for if he went to the office under a promise to stop it, and found he could not, that it was too late,—he would have said, "*but* it *must* remain as it is,"—not "*and* it *shall*;" the language of the note implies giving effect to the wish which he was desired to execute. But suppose we ascribe this to a little inaccuracy of language, yet if, in consequence of his own promise made to her in person at Weybridge, he was giving her an account of his inability to perform it, he never would have begun by saying, "I have received your note;" he would have referred to their conversation at Weybridge, and not to a note which, upon this supposition, could never have been written.

All the evidence, therefore, which we have the means of applying to this note, leaves it wholly unexplained; not only does it not afford a clue to understand it, as Captain Sandon would explain it, but it is utterly inconsistent with that explanation; if we are to endeavour then to interpret it by conjecture; if we are to let our imagination loose upon the subject, without either written evidence or parole evidence to assist us; we may invent an interpretation which may render it perfectly innocent. Mrs. Clarke, wanting to impose upon Captain Tonyn, may have pretended to the Duke that he was an old friend of hers, and that she had seen him, and found that he had heard some story which had alarmed him, lest the promotion which His Royal Highness had promised him was to be stopped, and was extremely anxious about it. "If there is no ground for this alarm, merely write me a short note about it: if you only say that his business shall remain as it is, it will be sufficient."—The Duke, on the receipt of her note, may have returned the answer in question.—And I do call upon the House, in all fairness and in all justice, if they are to help out this evidence by their imaginations, to do so in any manner but that which shall convert it by conjecture into the proof of guilt.

But whatever may be the meaning of this note, that it should have been twisted into a proof of a criminal participation on the part of the Duke of York, in Mrs. Clarke's corrupt practices, that it should have been taken up with that impression by the Honourable Gentleman who spoke last, does indeed astonish me.—That, if it is the hand-writing of the Duke of York, it does afford evidence of his having received a letter from Mrs. Clarke, upon the subject of Captain Tonyn's promotion, and that he had answered it without reproving her, for writing to him upon such a subject, must undoubtedly be admitted: But what crime, public or private, is there in such a circumstance? Knowing, as the Duke must have done, the regular course through which that promotion had been obtained, could he by possibility have suspected that, by telling her that the business should remain as it was, he could be furnishing her with any means of practising any fraud, or procuring any pecuniary advantage? Unless the prejudices of my mind disable me from forming a correct judgment, I am confident that this case is utterly destitute of every thing which can constitute a charge against the Duke of York.

There still remain, Sir, other cases, on which I feel it to be my indispensable duty to observe; I confess indeed, that I feel rather exhausted. (*Adjourn, adjourn,* was called out by many members.)—

If, Sir, it is the sense of the House, that I should not proceed at this time, but that we should adjourn, I certainly am ready to accede to its wish; but at the same time, I should be able to go on, if that should be its pleasure.—(*No!—Adjourn, adjourn!*)

I should, Sir, at all events, before the House rises, be desirous of stating the view which I take of the question, and the course which I should recommend to be pursued.

According to what I have said, I should think it absolutely and indispensably necessary, under all the circumstances of this case, that the House should decide expressly, the question of guilt or innocence.

I should propose, therefore, as an amendment to the Honourable Gentleman's address to leave out all of it, but the word "that," for the purpose of converting his motion for an address into a resolution.

I would then propose a resolution expressive of the sense of the House, that they should so decide the question — as follows:

> "That, charges having been brought forward in this House, against His Royal Highness the Duke of York, imputing to His Royal Highness, the crimes of personal corruption in the execution of his office of Commander in Chief, and of criminal connivance at corrupt practices with respect to the army; and this House having referred the said charges to the investigation of a Committee of the whole House; and having carefully considered the evidence collected and reported by the said Committee, this House feels itself called upon to pronounce a distinct and direct opinion, upon the said charges of personal corruption and criminal connivance."

I would then propose a resolution expressive of our opinion, that there is no ground to charge His Royal Highness with the crimes imputed to him, in the following words:

> "Resolved,
>
> "That it is the opinion of this House, after the fullest and most attentive consideration of all the evidence reported to this House, from the Committee

> appointed to enquire into the conduct of His Royal Highness the Duke of York, that there is no ground for charging His Royal Highness, in the execution of his official duties, as Commander in Chief, with the personal corruption alledged against him in that evidence, or with any connivance at the corrupt and infamous practices which are therein disclosed."

If, Sir, the House should agree to this resolution; if they should think that the evidence before them justifies the conclusion which I draw from it on the charge of corruption, something more, however, will, in my opinion, be still necessary, in respect of what is due to the character and the feelings of this House. We ought not to pass by unnoticed, that which we have had proved at our bar; and which, as we cannot but lament it most deeply, so we ought not to omit to express our sense of it. The Honourable Gentleman, indeed, from the address which he has moved, appears to be of opinion that even if there has been no corruption on the part of His Royal Highness, yet that we ought to press for his removal. Now, Sir, there I differ most entirely from the Honourable Gentleman. When I consider the services of the Royal Duke; the services which he has for so long a period been rendering to the army of this country: when I consider that we cannot reasonably hope that the country could be supplied with an officer who would be able to perform all the important functions of that high situation so usefully to the public as His Royal Highness; I do think that we should be doing an act of great injustice to the country, if we were to remove him, unless under circumstances which rendered his removal necessary.—But address, to remove him, I admit we must, if his conduct has been criminal.

But if there has been no corruption in his conduct, no connivance at the corruption of another, no official guilt; we may express our concern and regret at all those circumstances relating to Mrs. Clarke's connexion with His Royal Highness, in such a manner as may be consistent with what is due to our own characters, without necessarily bringing upon the public the loss which his removal from office would occasion. But it is obvious, that, if to prevent his removal be an object which we ought to look to, we must so express ourselves as not to render his continuance in office impossible. The mode in which I conceive we may obtain this object, is, by adopting an address to His Majesty, which shall first inform him that we have come to a conclusion of our enquiry, and are satisfied of the innocence of His Son; — in the following terms:

> " That an humble address be presented to His Majesty, humbly representing to His Majesty, that in consequence of serious charges against the conduct of His Royal Highness the Duke of York, in the office of Commander in Chief of His Majesty's army, His faithful Commons thought it their indispensable duty, without loss of time, to enquire into the same in the most solemn and public manner; and that, after the most diligent and attentive consideration of the evidence, by which those charges have been attempted to be supported, His Majesty's faithful Commons, considering the deep and lively interest which His Majesty must naturally feel, in any enquiry into the conduct of a person in so high and responsible an office, as that of Commander in Chief, more especially when that person is so nearly related to His Majesty; have felt it their

duty to lay before His Majesty the following resolution, expressive of their opinion upon this enquiry."

Then, after inserting the resolution which I have read, expressive of our conviction of His Royal Highness's innocence, I would propose that the address should proceed as follows:

"And His Majesty's faithful Commons think it their duty further to state to His Majesty, that whilst this House has seen with satisfaction, in the course of this enquiry, the exemplary regularity and method with which the business of the Commander in Chief has been conducted under the direction of His Royal Highness; and also the many salutary and efficient regulations which have been introduced into the army, during his command of it; some of which regulations have been specially directed to prevent those very abuses, which have in this enquiry been brought under the notice of the House of Commons; they could not but feel the most serious regret and concern, that a connexion should ever have existed, under the cover of which, transactions of a highly criminal and disgraceful nature have been carried on, and that an opportunity has been afforded, of falsely and injuriously coupling with such transactions the name of His Royal Highness, whereby the integrity of his conduct in the discharge of the duties of his high office has been brought into question: that it is, however, a great consolation to this House, to observe the deep regret and concern which His Royal Highness has himself expressed on the subject of that connexion; as from the expression of that regret on the part of His Royal Highness, this House derives the confident assurance, that His Royal Highness will henceforth invariably keep in view that bright example of virtuous conduct, which the uniform tenor of His Majesty's life, during the course of His whole reign, has afforded to all His subjects, and which has so much endeared His Majesty to the affections of every rank and description of His people."

Such, Sir, is the course which I should recommend to the House, instead of the address proposed by the Honourable Gentleman, to remove His Royal Highness from his office: and having thus put the House in possession of what I intend to submit to it, I shall now yield to its impatience, and I move, Sir, that we do now adjourn.

On the following day the Chancellor of the Exchequer resumed his speech. After thanking the House for the indulgence which had been afforded to him by the adjournment, and after shortly recapitulating the points of the case which he had observed upon the day before, and making some additional observations on French's Levy, which, as is observed in the note (p. 115), are considered as if they had been made on the first day, he proceeded as follows:—

The case, Sir, of Colonel Shaw, which I am now proceeding to examine, will be found extremely to deserve the attention of the House; and I wish particularly to direct that attention to the evidence of Mrs. Clarke, upon this charge; because it will appear that it is most completely falsified. It is not merely that there is reason to doubt of her truth, but there is distinct and full evidence of her falsehood. In page 255 and

256, her evidence will be found. She there states, that Colonel Shaw promised her a remuneration of 1000*l.* in the event of his obtaining a situation upon the staff; that he wished to be Colonel of the Manx Corps in the Isle of Man, where his father had been Deputy-Governor.—She is then asked, " Do you mean to say " that you applied for this situation for him?" She says, " Yes, I did; but there were stronger claims in " another quarter." Her examination thus continues: " Did you then apply for any other situation for him?— " Yes, I did." "What was that?"—"That which he now " holds." "Do you know what that is?" "Barrack-Master " at the Cape of Good Hope; Barrack-Master-General, " I believe." " Did you receive any pecuniary consi- " deration in consequence of this appointment?"—"Yes, " I did." " What did you receive?"—" 500*l.*" " Do " you recollect how you received that money?"—" I " had 300*l.* from Colonel Shaw, and 200*l.* brought by " some man, I understood it was a clerk of Coutt's, but " I am not positive, and on that account had a great " mind to send it back again, thinking it would be made " public?" " Were you satisfied with this 500*l.*?" — " No, I was not." " In consequence of your not be- " ing satisfied with the 500*l.*, did you make any com- " plaint through the Commander in Chief?"—" Yes, I " did." " What was the consequence of such com- " plaint?"—" His Royal Highness said, he had told " me all along, that I had a very bad sort of a man to " deal with, and that I ought to have been more careful, " and that he would immediately put him upon half- " pay." " Do you know whether Major Shaw was put " upon half-pay in consequence of that?"—" He sent " me several letters, complaining, but I did not trouble " myself much with reading them: one of the letters I

" gave in to-night, I believe. I thought him already
" too well off, for his conduct to me."

This is her evidence with respect to Colonel Shaw: so that the House may observe, that she confirms the statement of the Honourable Gentleman, in his opening, namely, that in consequence of her having been disappointed in receiving the money she expected from Colonel Shaw, and which he had promised her, she complained to the Commander in Chief, who thereupon reduced him to half-pay. As to the further application of Colonel Shaw, she says, she paid no attention to it, because she considered that person to have been already too well used.

Now, Sir, if the House will indulge me with their attention, I will undertake to prove that this letter of Colonel Shaw, the very document which she brings forward, and refers to as part of her story, is utterly inconsistent with the story she relates. Her story is, that in consequence of Colonel Shaw's failure to perform his promise, she had got him put upon half-pay: Is it possible that this letter, if it was written to appease her resentment, to implore her forgiveness, and a renewal of her kindness, would take no notice of his offence? would he take no notice of his obligation, under his former promise, when he is offering fresh terms? would he not have said, I have broken my faith; you have done me no more than justice; but forgive me, I will pay you the 500*l.* Perhaps it will be said, he could not afford it: but that is not so. He offered her more than what he owed her. Under the former promise he owed her, according to her story, 500*l.* His present letter offers her 300*l.* per annum. Would he not have pointed out the superior value of the new offer? nay, would he not, instead of a new offer, have begun at least by undertaking to pay what was due under the former? But the letter contains no offer of the kind; it promises her 300*l.* a year, while he continues at the Cape of Good Hope. It does not advert to any one thing that is consistent with the story of Mrs. Clarke. He complains of the circumstance of his having been put upon half-pay; he excepts against it, not as an act of her's, but upon the ground, that the practice and custom of the army did not warrant his being put upon half-pay. He says, "Put me in the situation I have been deprived of, do away the present evil, and unite the appointments I have mentioned, and I will annually remit 300*l.* whilst I remain; remember, do me justice: Let not any thing prevent this—allow not self or family, ever to have to say that we owed misfortunes to such a hand."

Mrs. Clarke says, "He sent me several letters, but "I did not trouble myself much with reading them:— "one of the letters I gave in to night." Will any body believe, Sir, that this letter, offering 300*l.* a year to Mrs. Clarke, was not worth her reading? Are we to be so imposed upon, so duped by Mrs. Clarke, as to believe her when she asserts so improbable a falsehood?

Having now shewn, Sir, how this document disproves the evidence of Mrs. Clarke, the House will be prepared the better to follow the evidence, by which the true history of Colonel Shaw's appointment is detailed. It appears distinctly, that the promotion of Colonel Shaw was recommended, and pressed with great earnestness, by Sir H. Burrard, and that the terms upon which he was to receive it, were explained to him in the first letter, which General Burrard wrote to him upon the subject (p. 274).

Sir H. Burrard appears to have been impressed with sentiments of gratitude and friendship towards the father of this gentleman, and to have wished to do all in his power for his advancement. He had made repeated applications to the Commander in Chief, which were not attended with success; and he renewed them again and again. But all this is turned to the account of the accusation:—" Sir H. Burrard could not succeed, but " Mrs. Clarke interferes, and success follows of course." Unfortunately however, for that observation, it is not true; Mrs. Clarke's application, according to her evidence, had failed as well as Sir Harry Burrard's: but Sir Harry Burrard's letter to Colonel Gordon, explains the case. He says, " To shorten the business, I send " you Shaw's letter, which is nothing more than to say, " that he will gratefully accept, if the Deputy Barrack-" Mastery can be obtained with the rank of Lieutenant-" Colonel, and go there in three weeks. I explained " THAT, and *also, that if it could be obtained,* HE " WOULD BE PUT ON HALF-PAY, *as soon as it could* " *be done.* His request is to come to London imme-" diately, if he can succeed."

He does succeed, and then there is a letter from Colonel Shaw to General Burrard, in which he expresses himself in these terms.—" I am just honoured " with your letter, and I trust you will believe, that I " feel, though I shall not attempt to express my grati-" tude for your present and many kindnesses towards " me, and I can only add, that my sense of obligation, " can alone cease with my existence. I have, as far as " the present time allowed, given every consideration to " the proposal you have made me, and should conceive " myself most fortunate in succeeding to it, and should " be ready to proceed in the time you mention. I have " only to request, that should the decision prove favour-" able, that I might be permitted an immediate leave of

" absence, as I should have a great deal to arrange in " regard to my family." This is the answer of Colonel Shaw to Sir Harry Burrard, who had been soliciting and recommending his appointment with so much zeal and perseverance. Sir Harry Burrard states the fact, that his being put on half-pay, would be one of the conditions of his acceptance of the appointment; and Colonel Shaw expresses, in terms of gratitude, as strong as possible, his obligation, and his anxious desire to accept the situation, although that condition was explained to be annexed to it. Now, Sir, if all this be so, and no rational man can doubt it, what pretence is there upon this evidence, for believing Mrs. Clarke, when she says, that Colonel Shaw was reduced to half-pay on her special application?—But then, it may be asked, how are we to account for Colonel Shaw's letter?—How are we to account for his applying to Mrs. Clarke at all? or for his applying to get rid of the condition, under which he had consented to accept his office?—There is no difficulty in accounting for this at all. Colonel Shaw, no doubt, was imposed upon by Mrs. Clarke, to believe that she had interested herself for him, and that she had influence with the Duke—as she had imposed upon Mr. Knight, as she had imposed upon Major Tonyn, and many others; and the application to get rid of the condition under which he had consented to accept his office, proceeded from a principle which frequently actuates mankind: Colonel Shaw had been very desirous of the appointment, and was glad to receive it, upon the terms of being put upon half-pay; but having gained the object he was anxious to obtain, he felt as impatient as ever for fresh advantages. Having accepted the office with that condition, secure of the office, he wished to be released from the condition. This

Sir, is the plain and obvious meaning of Colonel Shaw's letter. And I do protest, that I leave this case with a perfect confidence, that no man who understands it, will ever refer to it again, except for the purpose of disproving the evidence of Mrs. Clarke.

The next case, which it will be necessary to advert to, is, that of Mr. Dowler. I incidentally mentioned this case yesterday. It is not one in which His Royal Highness is charged with having done any thing improper as Commander in Chief; but as it is one in which money is said to have been paid for an appointment, and as Mrs. Clarke says, with His Royal Highness's knowledge; though it be not in the Duke's own department, it equally reflects upon the honour of His Royal Highness.

The case however rests wholly on the evidence of Mr. Dowler and Mrs. Clarke. I did submit to the House, yesterday, my impression respecting Mr. Dowler's and Mrs. Clarke's testimony in this case, and I think if I was disposed to go at any length into their evidence, I should be told it was unnecessary; and that it did not appear to be of a nature, which entitled either that Gentleman, or Mrs. Clarke, to the least degree of credit. He says, that he gave Mrs. Clarke 1000*l*. for a situation in the Commissariat Department: whether he did actually give her a 1000*l*. is one question, and if he did, on what account he gave it, is another. What renders it very improbable, that he should have given so large a sum at all, is, that at this very time you will find Mrs. Clarke and Mr. Dowler, raising money (see p. 426) upon their bills. Nothing can be looser, or more unsatisfactory than his evidence. He asserts, that he assisted her with many large sums to a considerable amount: yet, except in one instance, in which he paid for a carriage, he cannot recollect any one of them: they were not intended as presents, but as loans; yet he has no memorandum, no trace of any item by which he could ascertain the amount of them. Besides this, it certainly appears, he was her most favoured paramour, and that they had a variety of transactions together. If he paid her any money, therefore, the probability is, that it would not have been on account of any exertions of hers, to obtain for him a situation in the Commissariat; but that it should be referred to some other account arising out of the intimacy which subsisted between them, and the disposition which he consequently must have had to assist her. The House will not fail to recollect, that he gave a very different account to an Honourable Member of this House, a friend of his, of the source from which he derived this appointment, at the time it took place; and surely his contemporaneous account to his friend is more entitled to credit, than that by which, after having been closetted, and bedded with Mrs. Clarke, he comes to fix guilt and conviction on His Royal Highness. These are the impressions on my mind—I cannot flatter myself, that either with respect to this, or other cases, I shall be uniformly successful in carrying that conviction to the minds of all those who hear me, which I certainly feel upon them myself; but I do trust that this fair and candid examination of these charges, will make a due impression on this House, and upon the country; and will have the effect of correcting the erroneous impressions which have been made out of it, by those imperfect and garbled publications of the evidence, by which the public mind has been unjustly prejudiced and poisoned against the Duke of York. We all know, Sir, (and I wish we may not, some of us, be influenced by them); but we all know, that partial accounts of the evidence have gone forth in the public prints, in weekly and diurnal papers, accompanied, in many instances, by comments and observations, most industriously and wickedly calculated to prejudice a case under trial, in a manner which, if they had been circulated in allusion to any other prosecution, any ordinary court of justice in the country engaged in the trial of it, would have thought a sufficient ground for suspending the trial, and for not permitting the minds of those who were to decide upon it, to be brought warm to the decision, under such injurious impressions. These impressions, however, I trust will now be done away, by the candid and judicial manner in which the evidence will be examined in this House, and the decisive judgment which I trust will be pronounced upon it.

The next case is that of Kennett; upon which I shall not trouble the House at much length. The Honourable Gentleman has passed it by altogether, referring the House to some friend of his, who, he tells us, is to go at large into it. It is in vain for me, therefore, to attempt by anticipation to answer the observations which I have not yet heard; but if gentlemen will look into this case, they will find from Colonel Taylor's evidence, that Kennett introduced himself to the Duke of York, as a person who could procure him a large sum of money upon certain securities on Oatlands, and other property belonging to His Royal Highness. That Kennett was an arrant swindler, I have no doubt: he has been convicted of a most fraudulent transaction, and has stood in the pillory: but that occurred long after this transaction for the loan, and consequently afforded no means to His Royal Highness, or any one else at that time, to know any thing of his character. Colonel Taylor's memory of the transaction seems to be very imperfect. He states, (p. 343,) that Kennett volunteered his services to procure this loan; that he told him he was very much supported by Sir H. Mann, with whom he had been very long acquainted; "And he told me that Sir "H. Mann had desired him to say, he should feel very "much obliged to me, if I could use my influence with "the Duke of York, to assist him in obtaining a situation." (p. 343.) At the bottom of the same page, and the top of the next, Colonel Taylor says, this reference to Sir H. Mann, was subsequent to the offer of the loan, at the next or some subsequent meeting. There is a letter from Sir H. Mann, (p. 339, no. 7,) in which it appears, Sir Horace had made an application for him, and was interested in his success. It is in these words, "I shall "rejoice exceedingly at your success, if it can be an "object with you to obtain a situation in such a climate. "The channel you mention, may be more efficacious "than the exertion of my interest, which I will strenuously *renew*, if it is necessary, &c." Under these circumstances, Colonel Taylor makes the application to the Duke of York, who does in consequence recommend him to Mr. Pitt, through Mr. Long, for the place in question. He is disappointed in his object: the office is refused to the Duke's request. Mr. Kennett renews his application to the Duke; and there are, in p. 342 and 343, two drafts of a letter or letters produced; both written on the same sheet of paper. And though Colonel Taylor (expressing at the same time, the imperfection of his recollection) thinks two letters were received by him to the effect of these drafts, yet there is upon the face of them, evident marks, that they were only two drafts of the same letter. They are both interlined, but the first much the most so. It is very inaccurately worded; it is first drawn up as if he was soliciting the place for a gentleman in the city, and then altered as if it was for himself; in which sense the latter draft stands; and this latter does seem in all probability the one which was sent. I make these observations, because it is only in the first draft, that there is any reference to a place, as in connexion with the loan. Besides this, (in p. 344,) Colonel Taylor says, he believes the letters were not shewn to the Duke of York, though he dares say, that he acquainted him with their substance; and if the letter copied from the first draft was not sent at all, or was not distinctly explained to the Duke, there is nothing whatever in this case, but that the man who had offered to provide a loan for the Duke, did, in communication with Colonel Taylor, by using Sir H. Mann's name, procure Colonel Taylor to influence the Duke of York to second Sir H. Mann's application for a place for him; that he did so apply; that that application failed; that he renewed it for another with equal bad success; and at last, that Colonel Taylor having learnt that he was a man of bad character, communicated that information to the Duke, and that His Royal Highness, as soon as he had heard it, told Colonel Taylor to have nothing more to do with him.

Now, Sir, not knowing what is to be said upon this case, I must leave it here, and I trust the Honourable Gentleman, who is to take it up, will deal fairly and candidly by it. Till those observations are made, of course they cannot be replied to, and I must therefore leave them to be observed upon, by those who are to follow him.

With respect to the case of Elderton, the Honourable Gentleman was equally short in his observations; and, perhaps, it might be sufficient for me merely to observe that this case, not only does not concern any appointment in the gift of His Royal Highness, (being for a Paymastership,) but also that there is not the slightest trace of any money having been received by Mrs. Clarke or any one else, as connected with the appointment. But amongst Mrs. Clarke's letters which were brought from Hampstead, there is one connected with this case, which it is extremely important to observe upon. It is a letter from Elderton, thanking the Duke of York for having confirmed the leave of absence from his regiment granted him by General Abercrombie. I conceive this, Sir, to exhibit another and a striking instance of Mrs. Clarke's mode of imposing on persons, and making them believe she had those means of influence which she certainly did not possess. The Duke of York had nothing to do with granting or confirming this leave of absence: It rested with the commander of the regiment. Yet Elderton writes to the Duke of York, that it is impossible for him to express his obligations to the Duke upon this subject. Where is this letter found? It was not in its *proper custody* (as lawyers express it); it was not found where it might have been expected, and where it would have been, if it had ever been delivered to the Duke of York. It is a letter without a cover, the direction is on the same sheet, and there is not, nor ever was, a seal on it. What then is the inference which is to be drawn from these circumstances? The obvious inference is, that Mr. Elderton intended to forward this letter to the Duke of York, through Mrs. Clarke; that he sent it therefore under cover of a letter to her, and left it unsealed, desirous that she should see the manner in which he expressed himself. How happens it to be still with Mrs. Clarke, found among her letters, and unsealed? Obviously for this reason: she never delivered it to the Duke of York. She had, no doubt, represented to Elderton, that she would procure from His Royal Highness this favour; magnified the difficulty of procuring it; and when it was obtained from the commander of the regiment, by his own application alone, assumed the merit of the success, ascribing it to her interference with the Duke: and Elderton, impressed with this opinion, writes this letter of thanks, which of course she could not deliver, but, suppressing it, left it among her own papers.

The next case which seems to have made some impression upon the House, is the case of Major Turner. The documents respecting it will be found in p. 282; and in p. 294 is the evidence explanatory of them. This is the case of a gentleman who is desirous that he may be permitted to resign. His letter, requesting the acceptance of his resignation, arrives at the same time with a letter from a Mrs. Sinclair Sutherland, which desires that His Royal Highness will not give him the opportunity of resigning, as "he has behaved with unkind-" ness towards a lady, who merited different treatment; "and it is of importance to her to know where to find "him for these six months; and if he quits the regiment, "he means to secrete himself from her." She adds, "The general knows all about it, and can corroborate "what I say, if necessary." The Duke, upon the receipt of this letter, suspends the acceptance of the resignation, till he receives the result of the enquiry which he ordered to be made of General Cartwright, the colonel of the regiment to whom he supposed Mrs. Sinclair to refer him for the particulars and the confirmation of her complaint.

Upon this the Honourable Gentleman says that the Duke is highly to blame; and he asserts with great indignation, that His Royal Highness must have known who this Mrs. Sutherland was: that she was a woman of bad reputation, a prostitute, and consequently a person on whose statement no reliance could be placed, and no step ought to have been taken or suspended, to the prejudice of the character or interests of an officer in the army.

Sir, I hardly knew how to trust my sense of hearing, when I heard the Honourable Gentleman make this observation. Does the Honourable Gentleman really think that no attention ought to have been paid to such information? Does he really mean, that because a charge or a statement is made against any man by a prostitute, that it ought to be wholly disregarded and disbelieved on account of the character of the person who makes it? Does the Honourable Gentleman, who has not hesitated to prefer such serious charges against the son of his sovereign, on the statement and information of Mrs. Clarke—does he who has thought the assertion of such a woman, a sufficient ground for him to rise in his place, and undertake to prove His Royal Highness to be guilty of corruption—does he who has thought himself justified to pledge himself and his character, in moving for an enquiry into the conduct of the Commander in Chief upon such a foundation—does he say that the communication of Mrs. Sutherland ought not to have been acted upon because she was a prostitute?—Is it for him to say that the Duke of York was inexcusable in paying attention to a suggestion, coming from so corrupt a source? Is this candid dealing towards the Duke of York, on the part of the Honourable Gentleman—at a time when the Honourable Gentleman is a candidate for public favour, and is exalting himself in the public opinion, by having done the same thing as that which he thus censures in His Royal Highness? But what does the Duke of York do upon the information in question? Nothing that he would not have done upon the receipt of an anonymous letter, containing the same matter—

He directs enquiries into the truth of it. It may indeed be said, that an anonymous letter may be a better thing to be relied and acted upon, than a letter signed by a person who is known, and known to be of bad character. But what in this case, is the conduct of His Royal Highness? He makes an enquiry of the General, to whom he is referred by Mrs. Sutherland. It is not on Mrs. Sutherland's authority that he is disposed to act, but he applies for information to the colonel of the regiment.

The Honourable Gentleman says, the resignation of Major Turner was still delayed!—no such thing, Sir! the Honourable Gentleman could not have read the letter of General Cartwright to the end—what does the General say in that letter, addressed to Colonel Gordon? He says, " In reply to your enquiries respecting the " scrape in which it appears that Captain Turner has " got with some woman of moderate repute, I have to " say that I am entirely ignorant of every thing which " relates to this matter; *but for your satisfaction, will* " *endeavour to inform myself* of particulars, *which when* " *obtained, shall be transmitted to you.*" I am afraid of trusting to my own memory, as the Honourable Gentleman has already thought proper to doubt the accuracy of it; but as far as I can recollect, he did not read this concluding passage of General Cartwright's letter; but reading only that part of it which contains the statement of his ignorance of the whole matter, the Honourable Gentleman built his charge against the Duke of York, that he did still delay to accept the resignation of Major Turner. If he had read the next sentence, he would have found there was no room for this observation.—It was delayed, indeed, till General Cartwright procured the further information which he promised; the result of the enquiry was satisfactory; and immediately on the receipt of the answer of General Cartwright, enclosing the extract of Colonel Mundy's letter, the Duke submitted Major Turner's resignation to His Majesty, which was accepted; and we find Major Turner writing a letter to Colonel Gordon, bearing date the next day to that on which General Cartwright's letter, containing that extract, is dated, in which he states, that he has just received information that his resignation is accepted. It was not, therefore, delayed an hour after the enquiry had been made.

Here is, therefore, a charge brought against an officer, with respect to which it might have been proper to have retained him in the service, (because such a complaint against an officer, might amount to a military offence of ungentlemanlike conduct.) It was proper, therefore, not to let him leave the service, till it was enquired into—it is enquired into without delay—and as soon as a satisfactory account of the fact is received, his resignation is admitted. The Honourable Gentleman opposite to me, seems to doubt the accuracy of what I am stating: let him refer to the minutes, and he will find, that on the 5th September, the letter, containing the proposal to resign, is transmitted to Colonel Gordon; on the 14th is the answer of General Cartwright to the enquiries made by Colonel Gordon, stating that he should endeavour to inform himself of particulars; on the 22d is the letter of General Cartwright, containing the result of his enquiries; and on the 23d is the letter of General Turner, stating that he has received the information that his resignation is accepted;—so that it appears that the business of Major Turner's resignation was carried into effect within *three weeks* after he made his first application! but here again I must observe, that upon a question, which is a question of corruption, we are endeavouring to enquire into facts, which can in no degree apply to that charge.

The next case to which the Honourable Gentleman referred, is one which was so ably handed by my Honourable and learned Friend behind me, and explained in a manner so congenial to my own feelings, that I shall not think it necessary to occupy much of the attention of the House in adverting to it. I mean the case of Samuel Carter: with respect to that case, I am sure it is impossible for the House to have any other feeling, than that it affords an instance of humane consideration of those who contributed to the advancement of that unfortunate young man. What is the case of Carter? There is no part of the conduct of Mrs. Clarke, by which, in my opinion at least, she so much redeems herself from the infamy, which otherwise attaches upon her, as by her conduct with respect to Samuel Carter. The House may recollect when the case of Carter was introduced, and she was asked whether she had a footboy of that name, she replied, apparently hurt by the question, "Yes, I had; but Colonel Wardle told me "he would not mention that." It is the case of a poor boy recommended in the year 1801 to His Royal Highness, by an officer, Captain Sutton, who represented that he was the orphan of a wounded officer, who had lost his life in the service of his country. There seems to be a doubt, whether there might not have been some disguise in this representation, and whether he was Captain Sutton's own son, or the son of a brother-officer. But, at all events, this was the representation made of his case, to His Royal Highness. It appears the lad was well brought up; that Captain Sutton took a personal care of his education; that he treated him in the way, which has been stated by a most respectable witness, General Rochfort; and that he gave him an education which perfectly qualified him for the situation, to which he was afterwards advanced by the kind interposition of the Duke of York. It seems that the first application in his favour was made in 1801, just at the time, when the House will recollect, there was a considerable reduction in the army, and consequently, when a commission could not easily be obtained. His distressed circumstances led to his living under the protection of Mrs. Clarke, and he was in this situation of dependence in Mrs. Clarke's family, when His Royal Highness gave him the commission. He is described, indeed, as a footboy, a description, no doubt, below his station, and given to degrade and disgrace him: he no doubt was living with Mrs. Clarke in a state of dependence, he is proved to have waited behind the chair of the Duke of York, at her table; and once (or twice at most), to have gone out behind her carriage. But it is likewise proved by Mrs. Favery, that he wore no livery, and received no wages. The Honourable Gentleman, indeed, has described him not only as a footboy, but that he had lived in that capacity with Mrs. Clarke for twelve months. This is, evidently, a mistake; it was in May, 1804, that the commission was given him. Mrs. Clarke's establishment in Gloucester-Place did not begin till some time at the commencement of the year 1804; so that instead of his having been there twelve months, he could not have lived with her there above four months. Under these circumstances then, what is it that His Royal Highness has done by the grant of this commission to an unfortunate lad, which is hostile and injurious to the honour, and character, or feelings of the army Application had been made in his favour at a period considerably prior to His Royal Highness's connexion with Mrs. Clarke; the Duke of York had probably forgot the recommendation altogether, but having engaged in this most unfortunate connexion with Mrs. Clarke, he meets with this young lad, and he is reminded of the former application, and of his own promise; and he does that, which, instead of offending the army, reflects a lustre, as it appears to me, on the character of His Royal Highness, and exhibits his humanity and generosity in a light which the army must be differently constituted from what it is, if they do not approve and applaud rather than condemn. He rescues this unhappy, unfriended youth, from the humble and degraded station in which his poverty had sunk him; he revives those hopes which his birth and education might justly have led him to cherish, and which his own promise to Capt. Sutton had encouraged; and he removes him to a situation for which he had been long before recommended, and recommended as the son of a brave and meritorious officer, who had bled and died in the cause of his country. Now, Sir, I would appeal confidently to the feelings and justice of that very army, whose feelings are supposed to be offended by this appointment; I would appeal to the feelings of the House and of the country, whether an act like this is to be imputed to the Duke of York as a crime! If a man is to be punished for his vices, it may be well! but let him not be punished for his virtues!—and this act, I feel confident, that every humane feeling that can or ought to influence the mind of an honourable and good man, will dispose us unanimously to approve and applaud as a virtue.

I do not wonder indeed, that when this case was first mentioned to the House, it should have excited a considerable sensation, and that there should have been a disposition to attach blame to His Royal Highness, for raising unto the honourable rank of an officer, in the British army, a lad of obscure birth and immoral connexions, with no other pretensions than the recommendation of such a woman as Mrs. Clarke—I do not wonder that it should have given rise to sentiments of indignation,—but satisfactorily explained as it has been, and when all the circumstances attending it (circumstances so honourable to the Duke of York) have been examined, I should indeed be surprised if the House should view it in an unfavourable light, or should fail to set it down, not amongst the crimes, but high amongst the merits and virtues of His Royal Highness, as an act marked by nothing but the liberality and benevolence which prompted it. That the commission, which was given to this young man, was not disposed of to a person unworthy of his situation, is manifested by the letters, which, subsequent to his appointment, he wrote to Mrs. Clarke. These letters are in evidence; the House is aware of them, they do him honour. There is a sentiment of liberal gratitude, breathing through the whole of them, which prove the qualities of his heart, as well as the progress of his education. The Duke of York must at least have the satisfaction of believing now, and nothing but a total want of candour would presume, that he had not good reason to expect before, that the youth to whom he had extended his protection, instead of being a disgrace, would be an honour to the army.—He is now, as we are given to understand, upon the staff, in the West-Indies, not promoted to that station, by the recommendation of the Duke of York; but recommended by his own good conduct, which, the General whom he served, had the opportunity of observing, and the just discrimination to reward. I do sincerely hope, and trust, that wherever what has passed in this House may be heard or read, it may not make any impression on the minds of the brother-officers of this young man, injurious to him in his professional character, or ruinous to his future prospects: and I am confident the House would deeply lament; I am sure, that all those gentlemen, who in the first instance, before this case was fairly brought under their examination, considered it in the strongest and most prejudiced point of view, would extremely regret, that this case should ever have been introduced, if it should be attended with a result so cruel, so unjust, and so unmerited by the person whose appointment has been the object of our enquiry.

The case I am now coming to, is one, which unquestionably is of the greatest importance; for, it is one, which gentlemen on the other side of the House, suppose to bear the hardest against the Duke of York.—I allude to the letter from His Royal Highness to Mrs. Clarke, in which the name of General Clavering is introduced. Whether it is a case which merits the observations, that have been made upon it, will be for the House to judge, after I have drawn their attention to the circumstances with which it is connected. To my mind, it certainly does not appear to possess the importance, which others have been disposed to attach to it. The letter of His Royal Highness, is in all our memories. It will be found in page 245 of the minutes of the evidence. I will state the exact terms of the passage, which refers to General Clavering; they are these,—" Clavering is mis-" taken in thinking that any new regiments are to be " raised; it is not intended,—only second battalions, to " the existing corps: you had better, therefore, tell him " so, and that you were sure there would be no use in ap-" plying for him."—The Honourable Gentleman made an observation upon this letter, which indeed astonished me; he said, that this letter appeared to have been written with great caution by His Royal Highness:—If any gentleman will read this letter, without suffering his mind to be actuated by a most uncommon degree of prejudice, I am sure he will not think that caution is its true characteristic. There certainly is no appearance that it was ever intended for the public eye; it is little calculated to be dissected and commented upon in the manner it has been.—Who, except the Honourable Gentleman himself, is so biassed by his views of this case, as to say, that this is a letter which has been written with premeditated caution and circumspection? that it has been written so guardedly, as to suggest to the Honourable Gentleman, that His Royal Highness anticipated, while he was writing it, the possibility of its coming under the public eye, and that he guarded himself in his expressions accordingly? I am persuaded, Sir, on the contrary, that every unprejudiced mind will see in the language of it the strongest marks of the most unreserved, and confidential communication. But, Sir, it is necessary to refer to some other letters, which we have in evidence, and which have passed between General Clavering and Mrs. Clarke; which will afford a useful comment upon the letter under consideration. I much deceive myself, if it will not appear from these letters, compared especially with General Clavering's evidence, that she was corresponding with General Clavering and the Duke of York, at a sort of cross-purposes, receiving applications in one sense, and answering them in another. It appears from General Clavering's own evidence, that he had offered 1000*l*. to Mrs. Clarke for a regiment. I conceive that we connot give a date to this offer at any other period than just about the date of the Duke's letter. It should seem, that, in consequence of this offer, Mrs. Clarke made some application to His Royal Highness, and that this letter from the Duke, in which General Clavering's name is mentioned, was the answer to it. It is evident, that no mention was made of the offer of this 1000*l.*—If it had been mentioned, it is impossible that the answer of the Duke of York should not have taken some notice of that circumstance; he must either have been disposed to encourage or resist it, but evidently he does neither; we must conclude therefore, that she did not mention it.—Yet how is it, consistently with the supposition of the Duke's knowing of her corrupt practices, that we can account for her omitting to mention it? It is the largest offer which appears at any time to have been made to her; and would not the Duke of York, if he knew, if he approved, if he encouraged these practices, if he profited by them,—would he not have received with eagerness an application of this sort? But as the truth unquestionably is, that His Royal Highness was wholly ignorant of these transactions, and would have discarded Mrs. Clarke the moment he suspected them, her silence is easily accounted for. I wish to bring the attention of the House pointedly to the date of the letter: The letter written by the Duke of York, is dated Sandgate, August 24, 1804; and we have a letter from General Clavering, p. 308, dated Bishop's Waltham, 5th September, 1804. This letter, from its context, is evidently an answer to one which the General had received from Mrs. Clarke; probably the letter which conveyed to him the representation which Mrs. Clarke made of the Duke's answer to that application for a regiment, which she was to make in consequence of the offer of the 1000*l*—What that answer was, we see in the letter in which General Clavering's name is mentioned, and which probably reached her on the 25th or 26th of August.—Now, let us see General Clavering's reply to Mrs. Clarke, and from that we shall judge how correctly she must have stated to General Clavering the substance of the Duke's letter. The reply is in these words,—" My dear Mrs. " Clarke, you mention that His Royal Highness did not " comprehend my proposal. My idea was this, the De- " fence Act, article 30, states, ' that men to be raised by " that act, are not compellable to serve out of the " United Kigdom, and Islands immediately attached ;' " and in 32, ' That they shall not remain embodied for " more than six months after the peace :"—then he says, " we have always experienced the fatal effects of disband- " ing corps at an apparent conclusion of war ;"—and then he proposes enlistment from the militia. Now, Sir, let me ask any man, whether this has any relation to the letter written by the Duke of York ? General Clavering had said, that he was desirous of recruiting from the militia, and probably suggested that as the means of procuring a regiment, for which he was to give Mrs. Clarke 1000*l*.—Then Mrs. Clarke asks the Duke of York, whether any new regiments are to be raised ? he informs her that no new regiments are to be raised : and then her reply to General Clavering must have been, for there is no possibility of accounting for General Clavering's letter in any other manner, that the Duke of York does not understand his proposal ; and this answer amuses him into the belief, that the Duke of York is really considering of his offer—he proceeds to explain his plan, upon the supposition, that the Duke requested the explanation.

Again, Sir, let me ask, where is this letter found ? If the Duke of York was really desirous of information on any military plan suggested by General Clavering, would

Mrs. Clarke have kept the General's letter which detailed that information? Would she not have forwarded General Clavering's letter to His Royal Highness? And would it not, therefore, have been with His Royal Highness? And yet this letter, as well as the letter from Mr. Elderton is found with Mrs. Clarke, who never thought of delivering either of them to the Duke. But she would have us believe, that he left letters, after having read them, lying about carelessly, and that she, therefore, put them amongst her own. If that were so, we should have found other letters in her possession, which might more naturally have been expected to be in the Duke's. But except these two, none such are found in the possession of Mrs. Clarke: what the House will think of this, I know not; but I have convinced myself, at least, that I perceive in it a proof, that Mrs. Clarke was playing her old game with this general, as she had done with others; and that, instead of this being a case which should induce us to believe that there was any corrupt participation or connivance on the part of the Duke of York in the offer of General Clavering, it is one which makes it impossible to believe His Royal Highness had any knowledge whatever of these transactions. It is a case, indeed, which shews that, on a subject upon which his Royal Highness could have no reason, public or private, for withholding the information from any one, he did not refuse to tell Mrs. Clarke, that there were "no new regiments to be raised." It does prove that, in the unsuspecting state of communication between them, upon a subject of such perfect indifference, as, whether new regiments were to be raised, or only second battalions, His Royal Highness did not reject and resent her attempts to obtain this information. But his omitting to do so, is the utmost extent of his offence; it cannot be carried further:—and to estimate the degree and nature of that offence, we must keep in mind, that this General Clavering is an officer of high rank, of most respectable connexions; and whom the Duke could, consequently, not have suspected of being concerned in any dishonourable traffic, either with Mrs. Clarke, or any one else. We cannot, indeed, but feel surprised, that such a person should have applied to the Duke through Mrs. Clarke: but what account this artful woman gave of her acquaintance with General Clavering, we do not know, though we have every reason to believe, that Mrs. Clarke's invention would have furnished her with an account sufficiently plausible to impose upon his Royal Highness, to think it not unnatural.

The expression concerning Dr. O'Meara, which occurs in the letter from Weymouth, has certainly made considerable impression; it will doubtless be recollected, that it has no reference to any military transaction, nor has it any connexion therefore with the conduct of His Royal Highness in his character of Commander in Chief. That Dr. O'Meara, a person so well recommended and thought of by the Bishop of Tuam, should have sought his introduction to the Duke through Mrs. Clarke, is most extraordinary, and it is undoubtedly much to be regretted. The fact that he did so, cannot be doubted. The Duke's letter to Mrs. Clarke says, that Dr. O'Meara called upon him, and that he delivered to him her letter. It is indeed, much to be wished that His Royal Highness had thought and felt that a clergyman who sought to be introduced through such a channel, from that very circumstance, deserved not to be noticed; but it certainly does appear, and I regret it as much as any man, though I cannot see in it any public or official offence, that His Royal Highness informs Mrs. Clarke that Dr. O'Meara wished for an opportunity of preaching before His Majesty, and that the Duke of York expresses his intention of endeavouring to procure him the means of having his wishes gratified.

Now, Sir, I shall proceed to make some remarks on the parcel of letters that were found in Captain Sanden's custody: there are several of these, with respect to which, I cannot but be anxious to offer a few observations.

We find much in the evidence which has already been examined, to convince us that His Royal Highness was not acquainted with Mrs. Clarke's corrupt dealings, and that she was extremely anxious they should not come to his knowledge; and many of the letters which were found in Sanden's custody, will be found of great importance, as strongly confirmatory of the same fact. In page 378, there is a note from Mrs. Clarke, addressed to Colonel Sanden, in these words:—"Mrs. Clarke's compliments "await Colonel Sanden, thinks it best for him not to "come to her box this evening, as Greenwood comes "with both the Dukes this evening, and of course will "watch where their eyes direct now and then; and "should he see and know Colonel Sanden, may make "some remark, by saying or talking of the levy business, "and it may be hurtful to his and Mrs. Clarke's future "interests."

Here is a circumstance which proves that Mrs. Clarke was apprehensive lest her practices should be discovered by her being seen at the Opera in company with Captain Sanden, and that Mr. Greenwood would have an opportunity of remarking upon the subject of Colonel French's levy. It is obvious, therefore, that the connection of Captain Sanden with Mrs. Clarke is to be kept out of the sight of the Duke of York. It will be found in page 382, that there is another letter, in which there are still stronger observations. This letter is as follows,—" Dear Sir, ere I leave town, I scratch a few lines, " begging you to be on your guard in every point; but of " my name *in particular, for the future never breathe " it.* I am confident you have a number of enemies; " yesterday, the ——" (Duke of course) " was assailed " from seven or eight different persons, with invective " against you; he is a little angry at something, yet will " not tell it me. I think this fellow, Kennet, tries his " friends—they laid fine complaints against you:—Did " you tell Zemminees, that as soon as Tonyn was " gazetted, you would get him done in the same way, " and that I was the person?—Let me see you on Mon- " day. Adieu; I am interrupted." Here is another occasion in which she cautions Captain Sanden not to mention her name: she apprizes him that something has occurred, which makes it a matter of delicacy; she fears to be implicated, she knows not what it is the Duke has learnt, but she fears that Sanden may have said something about her interference for Zemminees, and for Tonyn; she requests him to be particularly cautious of mentioning her name — in strong earnest terms, " never to breathe it,"—that no opportunity may be afforded of giving encouragement to the belief of any thing that may be stated concerning them. These are some of the observations which seem to me to be material, and to arise fairly out of these letters.—There are unquestionably many more. I shall not trouble the House by going through the whole of them: I am so sensible of the extreme length at which I have occupied the attention of the House, that I do not think I should be justified in doing more than noticing those letters, which appear to me the most important. There are some few, certainly, of that description. One letter, to which I would particularly desire their attention, will be found (in p. 379) directed to Captain Sanden; it is in these terms:—" My dear Sir, I am vexed to death, " you well know the state of my finances—I hit upon " *Spedding* for Tuesday, when, behold, the regiment he " is in did their exercise so bad, that the Duke swore at " them very much, and has stopped the promotion of " every one in it." Now, that is not the fact, for Colonel Gordon, in his evidence, says, that their promotions were not stopped, and the gazettes are produced which shew that their promotions were actually going on at the time. This then is a false fact communicated by Mrs. Clarke to Captain Sanden, for the purpose of making some impression or other, with a view to her design; probably, having made some undertaking with Spedding, which she found would not be accomplished, she invented this circumstance to serve as an apology for her failure. Here then follows, in the same letter, a passage for which I cannot account:—" He said " so much to the Colonel (Wemyss I think), that " if he had been a gentleman he would have given up: " but he intends looking over the memorial to-day, as " S. has not been long in that regiment, and he is an " old officer; so that you see, if he gets his promo- " tion, how very much he ought to be indebted to my " good offices. I must beg hard for him. The Duke " is very angry with you, for when he last saw you, you " promised him 300 foreigners, and you have not pro- " duced one. O yes, Master Sanden is a pretty fellow " to depend on. I wish I had hit upon Eustace first. " I told you, I believe, that they must be done gradually, " his clerks are so cunning. Get Spedding to write out " a list of his services, and send it to me, as a private " thing to shew him, not addressed to any one."

From the circumstance which is mentioned of the 300 foreigners, it is inferred that His Royal Highness gave authority to raise German levies. There is no document in the office of Colonel Gordon, that brings to light any thing upon the subject; there is no proof, nothing in the evidence, nothing that shews there was any authority given for raising such levies. Therefore, what this means I am at a loss to guess: we have nothing before us that throws the least light upon it. The House, however, cannot conclude that Mrs. Clarke had issued letters of service, and that it was under the authority of Mrs. Clarke, the 300 foreigners were to be raised; and I cannot, therefore, see how this circumstance of the supposed foreign levy can bear upon the case, one way or the other. As to Captain Spedding, we hear still more of him. There is this passage in a subsequent letter, (p. 383.) " Dear Sir, pray what can " Spedding mean by asking on Thursday through Ge- " neral Tonyn for leave to go upon half-pay, 'tis odd " behaviour, and you must think that some one thinks " me used very ill.—Of course till this is fully explained, " I shall drop all thoughts of any thing else."—With respect to Captain Spedding, it will be found, in page 422, that he had been making an application for promotion; that Sir Alured Clarke had been referred to, and that it appeared Sir Alured knew nothing of him.—Application is afterwards made, through General Tonyn, that he may be permitted to go on half-pay; and then Mrs. Clarke complained of Spedding going to General Tonyn, to procure his assistance in effecting that which she thought ought to have been done through her, and affects to represent the Duke (for she must mean His Royal Highness, by the *certain person)* as thinking her used very ill upon the occasion; which, had it been true, as she would have had it believed, would have led to the disappointment of Captain Spedding in the application which so displeased him. How is the fact? He does succeed in that application which he made through General Tonyn; he failed in those which he made through her.

There is another letter, in the same parcel, written by Mrs. Clarke, in which, speaking of Captain Spedding, she says, "he must advance 200*l.* more."—It is evident, from all these circumstances, that she was anxious to procure the promotion of Captain Spedding; that if her application succeeded, she would have had the benefit of putting that 200*l.* in her pocket; and her want of success is a convincing proof, that she did not possess the influence she pretended. It is not, that there was any insurmountable objection to Captain Spedding; he does succeed in one of his objects, but it is only when he applies through another quarter; and his success, when he succeeded, cannot be referred to Mrs. Clarke; though his failure, when he failed, would certainly not have occurred, if she could have prevented it. The important result, therefore, of this case of Captain Spedding, is this: it exhibits Mrs. Clarke, in the first place, inventing and representing a false fact, respecting the stoppage of promotion in his regiment, as the reason why she could not procure him the promotion, which she had given him reason to expect. Whether she ever made any application to the Duke about him, or only pretended to make one, cannot be ascertained; there is no confirmatory evidence upon that point at all: if she did not make such application, it can only be accounted for by her knowing, that it would not be received if she made it; but if she did make the application, as she pretends, then the failure proves her want of influence;

and, therefore, on either supposition, Captain Spedding's case, when attentively considered, is decisive against the truth of her story, and in favour of the Duke of York.

There is another point to which I must now refer, though I will not go into it at any length, because I cannot pretend entirely to understand it. I mean that relating to the letters, of which the Honourable Gentleman (Mr. Wardle) obtained possession from Mrs. Clarke. It is a fact involved in such confusion, that it is very difficult to ascertain the truth of it. It will be found in p. 322, in part of Mrs. Clarke's examination on this subject, that she is desired to look at the letter to Mr. Donovan, of the 28th January. She is asked, "Did you "give these letters to Mr. Wardle, in order to facilitate "any negociation?" she says, "Yes! not the letters "that Colonel Wardle ran away with, but letters of "field-officers to recommend two or three lieutenants to "companies; they were to give more than the regula- "tion;—three or four hundred pounds." Now, the expression in her letter to Donovan, cannot possibly refer to the letters of field-officers; the passage is, (p. 132.) "I must be candid and tell you, that in order to facili- "tate some negociations, I had given him (meaning "Mr. Wardle) a few of your letters—in one, you speak "of the queen, in another, of two deaneries." I do not, however, refer to this passage now, to trace that contradiction, but for the purpose of shewing with what unreserved facility, Mrs. Clarke states and invents facts, when it is her interest to vilify the character of any person connected with the Duke of York. She adds, in the passage of the evidence to which I last referred, "I un- "derstood *from Mr. Donovan that Greenwood* was to "have some *part*, Froome another, himself a share, "and me: these young men were to pay, I think, four

" hundred over the regulation, and that it was the last " job Greenwood was to give Froome; that it was to " complete a very old promise of the Duke of York. " Mr. Donovan told me he must have the recommenda- " tion of a member of parliament, or a general officer, " to cover himself."

Now this observation of Mrs. Clarke's, introduced for no other purpose but to bring in Mr. Greenwood's name with disrespect, and to represent him as desirous of obtaining a job for Froome, upon an old promise of the Duke of York, the profit of which all these parties were to share amongst them, is not only false, but has really no verisimilitude. It supposes Mr. Greenwood employing Mr. Donovan, to procure Mrs. Clarke to obtain the signatures of some general officers to certain recommendations to lieutenancies; which recommendations the Duke of York was to act upon, to execute an old promise of his own; as if Mr. Greenwood and the Duke of York together, could not have procured the promotion, without the help of Mrs. Clarke. It is likewise impossible, utterly impossible to be believed, that Mr. Donovan could be thus making use of Mr. Greenwood's name, to obtain money in partnership with Mrs. Clarke, at this time: it happened but the other day, in this very year; it could not be a case in which she was to avail herself of her influence with the Duke of York: it is a striking instance, therefore, of that barefaced disregard of truth which characterizes so many parts of the testimony of this woman. She affects to say, that she was to get the signatures of some persons through Mr. Wardle, by which her impositions were to be carried on for the benefit of Mr. Greenwood, Mr. Froome, Mr. Donovan, and herself. I say, Sir, that this is so outrageously incredible, that it is of no use to advert to it, except as it may expose the temerity of her assertions, and her indifference even to the credibility of what she invents; or except as it may expose the distress which she was put to, to explain the passage in her letter to Donovan, in which she represents her having put certain letters of his into Mr. Wardle's hands, to facilitate some negociations. For that, in a job in which Mr. Greenwood was concerned, Donovan would be employed by Greenwood to procure assistance from Mrs. Clarke, is utterly absurd. Whether the Honourable Gentleman (Colonel Wardle) did undertake to procure the signatures which were wanted on this occasion; or whether these letters were put into his hands to facilitate any, and what negotiations, I must leave to the House to collect, if it can, from the evidence; I confess, I can collect no certainty from it myself.

In the course of the observations which I have submitted to the House, I have taken notice of every thing upon which an unfavourable conclusion against the Duke of York has been grounded, except the circumstance of the payment made by His Royal Highness for the plate; and the rate of Mrs. Clarke's expences and establishment: these remain to be considered. The purchase of plate is argued upon thus: plate to a certain amount was bought for the use of Mrs. Clarke: she paid, as she says, towards this purchase, 500*l.*—the identical 500*l.* which she received from Colonel French, on account of his levy; and the Duke of York paid for the remainder. Upon these facts, it is presumed, that the Duke of York must have known the whole price which was to be given for the plate; that he must have undertaken to make her a present of it; that he must have known of Mrs. Clarke's part payment of that price; that he must have known from what source she derived the means of making it;—and upon these few facts, aided by these several presumptions, it is concluded that, as he was relieved, to the amount of this 500*l.*, from the necessity of paying for the whole, he actually and personally profited to that extent, from the transaction of French's levy.

To meet this argument, it is right to see how the circumstances respecting the payment for this plate stand in the evidence, independent of Mrs. Clarke's statement. The evidence will be found in p. 129 and 247. The way in which that evidence is there given, by Mr. Burkitt, is by exhibiting the debtor and creditor accompt of the sale of this plate in his books; and the first article of that accompt is this: "The whole of the above-"mentioned articles for 1363*l.* 14*s.* 0*d.*" Then follows a statement of various particulars of charge for other articles of plate, together constituting a total of 1821*l.* 11*s.* 4*d.*; on the other side of the accompt, there appears a payment of "500*l.* by cash, on account, on "the 18th May, 1804;" and all the other payments that make up the difference, appear to have been furnished by drafts and bills, which are proved to have been payable, and paid by the Duke of York. (p. 247.)

It is observable that the first payment, which reduces this accompt to nearly the sum paid by the Duke of York, is 500*l.* By whom this was paid, or how, does not appear. Mrs. Clarke tells us it was by her, and with the money before alluded to. It no where appears, except from Mrs. Clarke, that the Duke of York was aware of the whole of the demand, and that it amounted to so large a sum as 1821*l.* What the Duke of York paid was 1321*l.* If he had paid 1363*l.* 14*s.* it would have appeared that he had paid the whole that was due for the purchase of the Duke of Berri's service of plate. He did not pay for it exactly, but he paid within 42*l.* of it. Now as he did actually pay so nearly the whole of what that service cost, will the House, upon no better evidence than Mrs. Clarke's, conclude that he knew any thing of her payment of 500*l.*? Or, if he did, that he knew from what source she obtained it? This circumstance took place very shortly after the setting up of the establishment in Gloucester-Place. Mrs. Clarke says, she was not in debt at that time. Is there any proof that the Duke might not have had reason to suppose that Mrs. Clarke had some little money of her own? or, when we recollect that Mrs. Clarke herself admits that 500*l.* was about that very time (p. 261) furnished by the Duke of York to her, to purchase articles of plate and linen; might he not suppose, that this payment to the extent of 500*l.*, or part of it at least, was made out of that very sum which he had provided himself? In short, Sir, I feel confident that these circumstances, when fairly examined, will never be considered as any confirmation of Mrs. Clarke's evidence.

I next proceed to advert to the argument founded on the rate of expence incurred in Mrs. Clarke's establishment, as compared with her means of supporting it. The House will recollect, that I was authorized by His Royal Highness, to make a statement of his expenditure on account of Mrs. Clarke, as far as he now could trace it, with any correctness and precision. But, Sir, I do not feel it necessary to refer to that statement, as the fair result of Mrs. Clarke's several examinations and cross-examinations on this head, together with other evidence before us, brings the expence so near to the sum to which I stated, that it will in effect and for the purpose of the argument, be the same; and it is more regular, no doubt, to found my observations upon the evidence, than upon that statement.

In the first place, Mrs. Clarke states, that nearly all the furniture in Gloucester-Place was supplied by the Duke of York, and a great part of the wine.

Now, the greater part of the expence which was included in the statement I was authorized to make, consisted in the purchase of furniture and wine, and a sum of 5000*l.*, which was incapable of distinct proof, because it had been delivered over by His Royal Highness to Mrs. Clarke herself, without any intermediate witness to prove the fact. But her evidence confirms that fact, that all the money which she received was from the Duke of York himself, and not through any agent employed to pay her; and therefore, actual proof of the payment cannot be had in any other way than from the statement of His Royal Highness. But, though Mrs. Clarke did say in one part of her evidence, that she never received any more money from His Royal Highness, than 1000*l.* per annum, (and upon that unqualified assertion it was, that the great and unfavourable impression upon this head was made upon the house;) yet we find, in page 259, Mrs. Clarke admitting, that "once or twice, His "Royal Highness gave me small bills for three or "four hundred pounds, but they were his own signing "and drawing up:—it was to get my necklace, or some-"thing in that way, from Parker's in Fleet-Street." Here then is an instance of the Duke of York furnishing Mrs. Clarke with small bills, as she calls them, for three or four hundred pounds; for the purpose of doing what?—to take articles out of pawn. Undoubtedly, the articles were placed in pawn to raise money: The Duke furnishes Mrs. Clarke with money to get them out of pawn; and in so doing, he as effectually furnishes her with money for her expences, as if he had advanced it in the first instance. She is asked whether His Royal

Highness did not pay 15000*l.* for her during the three years she was with him. Her reply is, " Do you include " His Royal Highness paying for the House before I " went into it, or keeping me and the establishment? " including every thing, all the advances that were " made? I cannot tell what he paid for the house; I " can tell what my lawyer got for it." It seems that her lawyer had a mortgage upon it for twelve or fourteen hundred pounds; therefore, if the house sold, as she believes it did, for 4,400*l.*, a sum would have remained sufficient for the payment of all her debts, according to the amount at which she stated them herself, namely, 3000*l.* (p. 262.) Then here is evidently a supply left in her hands by the Duke of York, sufficient to enable her to discharge all the debts she had incurred:—Upon being asked, " Were you paid no more money besides " the 1000*l.* a year?—she answers, " No, I was not: " I certainly complained to His Royal Highness, and " he said he would make some future arrangement." What that future arrangement was to be, does not appear. She admits afterwards (p. 260), when she has been very much harassed for any thing, and could not get it from other quarters, and there was nothing in view, " His Royal Highness would then bring me 100*l.* " extra, or two perhaps, but I do not recollect ever two, " I do one or so, one now and then, but not often." But besides these occasional payments, it appears that Royal Highness looked forward to the time when he might make a better arrangement for her. He had incurred a considerable expence in furniture, and such articles, upon the first formation of the establishment at Gloucester-Place; but as this would not be to occur again, he would be more at ease to defray other expences, and to discharge the debt which she might then be contracting.

In Parker's books, it further appears, that a bill was drawn, which I have before adverted to, by Mr. Dowler on Mrs. Clarke; and some by herself, on Mr. Farquhar. These bills were not paid when due; but they were taken up afterwards, by the Duke of York: and putting all these things together, it will appear, that the expence for furniture and wine, the regular payments, and these various sums together, make the expenditure of the Duke of York, during his connection with Mrs. Clarke, amount to about 20,000*l.*; though the actual advances of money are not accounted for to a greater amount than 5000*l.* in the two years and a half; and this nearly tallies with the authorised statement which I made to the House. These, Sir, are the facts; and what is the inference that the Honourable Gentleman would draw from them? That His Royal Highness, knowing the expensive nature of the establishment in Gloucester-Place, must have known that it could not be defrayed by what he advanced, and therefore, that it was supported by the corrupt means which Mrs. Clarke mentions; that he must have been conscious that he was supplying that establishment with means very scanty, and extremely inadequate. Mrs. Clarke tells you, that in one instance, when her necessities obliged her to apply to the Duke, he referred her to her ingenuity, telling her that "if "she was clever, she need never want money." Does it not occur to the House, how inconsistent the evidence of Mrs. Clarke herself is upon this very point? Does Mrs. Clarke ever insinuate that he answered her subsequent applications by such a reference? Does it not on the contrary appear, that she was monthly, weekly, daily, pressing him over and over again for money, and, according to her statement, pressing him in vain? If her evidence is entitled to the least credit, what would have been the reply of the Duke of York to her applications?

" You surely do not come to me for money: you are under no necessity of applying to me for that which I have told you I have not the means of giving you: you have only to come to me for commissions, by the sale of which, you will be enabled to have an ample supply." Such, if Mrs. Clarke's evidence were true, would have been the language of the Duke of York; such would have been the terms in which he would have answered any application from her for money. There are no less than 4000 military commissions, of various descriptions, that pass through his office, on an average, in the year. During the time she was with him, there must have passed about 10,000. Could she, if she had possessed his authority to make money by her cleverness out of these commissions, have ever been in want of 100*l.* or even of 1000*l.*? Impossible! Her distress, her debts, her repeated applications to the Duke for money; his supplying her with one or two hundred pounds only, at a time; his referring her to the prospect of a new arrangement,—are all, to my mind, and I am confident they must be so to every man who will view them fairly and candidly, decisive proofs, that His Royal Highness never sanctioned or authorised, or connived at, these transactions. And this inadequacy of His Royal Highness's allowance to her establishment, coupled with her repeated applications to him for money, so far from affording an inference against the Duke of York, is strong and conclusive for him. There certainly does appear to have been, on the part of His Royal Highness, an indifference with regard to his pecuniary concerns. There was a backwardness to look into his accounts, which generally is the case with persons whose accounts are in such a state, that it is unpleasant to look at them; but there is nothing which furnishes the slightest ground for charging the Duke of York with any knowledge or suspicion that Mrs. Clarke was supplying any part of her extravagance from these corrupt sources.

I cannot bring my observations to a conclusion, without pressing upon the attention of the House the very extraordinary exhibition which Mrs. Favery has made at our bar. She appears, beyond all doubt, to be the half-sister of Mrs. Clarke—the daughter of Mr. Farquhar, Mrs. Clarke's father, by a former wife. There is, I admit, no distinct evidence on the subject; but when Mrs. Favery's evidence, from page 459 to page 460, is examined; when her account of taking the name of Farquhar, to obtain more respect, as she says, is considered; that she married in the name of Farquhar, though she declares that her real name was Favery; Mrs. Farquhar, the mother, paying bills for her; and if we then attend to her answers to the following questions, there can be no doubt of the fact (p. 462):—"You are not Mrs. Farquhar's daughter?"—"No; I positively am not Mrs. Farquhar's daughter." "Are you not Mrs. Farquhar's husband's daughter, by a former wife?"—"I cannot answer you that question; but I am not the *present* Mrs. Farquhar's daughter, I can assure you." "Cannot you answer that question?"—"No, I cannot indeed." "Why cannot you?"—"Supposing I did not know my father or my mother; I cannot swear to that; I cannot tell what they did with me when I was young:" and then, after several other questions and answers—"But you will not state that you were not the daughter of Mrs. Farquhar's husband, by another wife?"—she answers, "I cannot say any thing about it; but I can say I am not this Mrs. Farquhar's daughter; that I can answer to."

It is no unfair inference, that she was related, and that nearly, to Mrs. Clarke, but that it was an object to Mrs. Clarke's credit and vanity that the relationship should not appear. But what was her story, her most false story, as it came out on the cross-examination of my learned friend?—She told us that she had lived with a Mr. Ellis, who was now dead; that he was a carpenter; that he kept a house in one place, and a shop in another, and she could not tell us the situation of either. Yet Mr. Ellis is alive; he was no carpenter; she knew him to be alive; she knew him to be a respectable clergyman: but having lived with him as Mrs. Farquhar, and not as Mrs. Favery; having been recommended to him by Mrs. Clarke under the name of Farquhar, she thought it necessary to mislead the House from finding Mr. Ellis, who would detect her falsehood. It appears afterwards, that she learnt that Mr. Ellis was summoned to this bar to contradict her. She then attempts to make her peace with him; she knows where he lives; she goes to him; she accounts for her not having given a true account of him, because she thought it would be disagreeable to him to be brought forward: whereas it was her own falsehood which imposed upon the House the necessity of calling him.—On Mr. Ellis being produced, Mrs. Favery is contradicted, and Mrs. Clarke is contradicted too, who also says, she never knew Mrs. Favery under any other name than Favery (p. 448). This gentleman, Mr. Ellis, a clergyman, a most creditable and respectable witness, against whom there has not been the slightest insinuation or suspicion, tells us, that he received Mrs. Favery into his service under the name of Farquhar, upon a character given of her by Mrs. Clarke, to whom he applied, enquiring after her by that name; that upon his application, she answered for her; and, by the character she gave of her, Mrs. Favery obtained the situation in this gentleman's family,—not under the name of Favery, I say, but of Farquhar: and further, that while she was there, Mrs. Clarke came to see her, and visited her under circumstances of great apparent familiarity. Yet Mrs. Clarke told us, that she never knew Mrs. Favery by any other name than Favery, and that she must have assumed the name of Farquhar unknown to her. Now, Sir, let me ask whether there is any thing that can shew a greater disregard to truth, both on the part of Mrs. Favery and Mrs. Clarke, than this evidence? However painful it may be supposed to have been to the feelings and vanity of Mrs. Clarke, to admit the fact of her relationship to Mrs. Favery, yet no one, who was not as depraved in disposition, and as destitute of every principle of truth, as she is, would so deliberately have sacrificed her veracity to her vanity. This is a strong feature in the case. It shews what sort of people we have to deal with: it shews Mrs. Clarke will not only speak falsely herself, but bring witnesses knowingly and voluntarily to do the same; that they are not independent witnesses speaking to independent falsehoods; but that they both come forward prepared to relate the same story, the falsehood of which has been so fortunately and so satisfactorily detected: and yet, Sir, after this detection, we are deliberating whether, resting upon Mrs. Clarke's evidence, we shall convict His Royal Highness of the charge with which she accuses him!

I will not trespass on the time of the House, by recalling its attention to those presumptions which my Learned Friend has referred to, arising in favor of His Royal Highness, from the character of the persons whom he has selected to surround him in the discharge of his high official duties. If His Royal Highness had been laying these plans of iniquity and corruption, which have been so falsely imputed to him, would he have surrounded himself with such honorable persons to overlook and scrutinize his conduct?—Would he have made choice, as his advisers, of persons of such high and uncorruptible integrity—officers of high rank and distinguished merit, than whom the whole army could not have presented characters more alien from any thing that bears the least resemblance to corruption? I need only mention the name of General Calvert; every one who knows him, can bear testimony to the estimation in which he is held, not only by the army, but by all who have any means of knowing him.—Colonel Gordon has spoken his own testimony, and in giving evidence in this case, has established his own character.—With respect to others who have been employed about His Royal Highness, similar observations might be justly made; and as far as any general presumptions and general impressions may have arisen in the House from any other circumstances, injurious to the Duke of York, I trust, they may be well and effectually met by these considerations to which I have last referred—considerations which would of themselves, be sufficient to remove any impressions which could be made by such testimony as that, which I have at so much length, and I flatter myself, so satisfactorily, commented upon and exposed.

I have now, Sir, gone through this case with the various observations which I have deemed necessary; and I think, I have shewn enough, in the first place, to make it clear, that the House is called upon in the fair discharge of its duty, under the particular circumstances of this important case, to give their opinion decidedly, Aye or No, upon the Question of the guilt or innocence

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of His Royal Highness.—After that opinion shall have been pronounced, there will then remain the consideration of what it will be proper for the House further to do upon this subject; and whether the address I have proposed is the most fit to be adopted:—That address will then remain to be compared with what has been proposed by the Honourable Gentleman. But, whatever the House may think with reference to any ulterior proceeding, they cannot, I am sure, so far demean themselves, as to shrink from declaring their opinion upon the question of guilt.—Of this also I am convinced, that if the House acts up to its own character and dignity, as I am satisfied it will, it must abandon the Address of the Honourable Gentleman?—For, what does that address express, as the result of this serious and most important enquiry?—It states, that the House has discovered the existence of a variety of mal-practices and abuses of office, and that His Royal Highness could not be well ignorant of them; but whether he is guilty of having had any participation in them, or whether he is altogether innocent, the substantive address to the King is to remove him from his high situation. —Now I say, whether he is guilty or whether he is innocent, is a question which is anterior to that which respects his removal, and upon the decision of which must depend what remains to be done. If the Honourable Gentleman had so framed his address, his speech, and his charge, as to have done away the imputation of corruption, and had suggested any other grounds for the removal of the Duke of York, it would have stood very differently, and would not have been open at least to the objection, which I am now urging; but even then, if the House should think, that independent of the charge of corruption, there are other grounds for his removal, the course which the Honourable Gentleman has pursued, is not that which this House has adopted on any former occasion, or can adopt consistently with its character in the present.—The whole speech of the Honourable Gentlemen goes to the charge of corruption; and then, for fear of wounding the paternal feelings of His Majesty, he declines informing him of what has been the result of our deliberations:—He declines letting His Majesty know, that his Son is innocent; and yet he will not state that he is guilty!—But I feel convinced, that I need not labour this point any further:—I am satisfied the House will manfully and unequivocally pronounce its opinion; and whatever objections may be taken to our proceedings, there shall not, if my opinion shall prevail, be any ground for objecting to them, as disgracing the character of the House of Commons, by shrinking from the decision of the great question of corruption; a question however, upon which, according to the view which I have taken of this case, I can anticipate only a favorable decision.

When therefore the House shall have agreed, as I trust it will, to the resolution declaring, That there is no ground for charging His Royal Highness with corruption, or connivance at Mrs. Clarke's corrupt practices; they will then have to consider, what further notice, by way of address or resolution, they will take of the different matters which have appeared before us; and whether that which will remain, when we have decided against the charge of corruption, and upon which we shall have to mark our dissatisfaction, regret, and displeasure, is such as to require that we should address His Majesty for the removal of His Royal Highness; or, whether it will be sufficient to express our regret for the past and our hope for the future, in such manner as may enable His Majesty, consistently with the honour of His Royal Highness and of the army, to retain him in his present situation.—I trust the House will adopt the latter; and I do feel persuaded, that the House cannot be disposed to confound so much, all the faults and distinctions between one offence and another, as to give sanction to the principle on which the address of the Honourable Gentleman proceeds. The foundation, and the whole matter of the Honourable Gentleman's address is, that if the Duke of York is guilty of corruption, he ought to be removed; but that if he is not guilty, it must be the same; in short, that whether he is guilty of base corruption in the discharge of his public duty; or whether he is guilty of having yielded most unhappily to a most unworthy connection, his punishment should be equal!—such a total want of discrimination and distinction between one offence and another, so pernicious to the best interests of justice and of morals, I do confidently feel, that it is impossible for this House to adopt.

When the House has disposed of the first great question of public and official guilt, (a question which I conceive to be in its nature purely judicial, and which I trust, they will dispose of on judicial principles, with the severity of judges determining consciencіously on the evidence,) they will then consider the remaining question, as no longer a judicial one; not to be disposed of on the strict principles of judicial severity, but upon principles of general policy and expediency.——I am far, Sir, from being desirous of conveying an opinion, that policy should generally be considered as wholly separated from morality and religion, or even as not being most intimately blended and united with them; or that, in this particular case, political considerations connected with the individual, whose conduct is the subject of our enquiry, should exclude either those feelings or those expressions, which considerations of morality and religion may suggest.—I mean no such thing; policy, as well as a sense of what is due to morality requires of us, that the facts which have appeared before us, should not pass unnoticed; and therefore the acquital of His Royal Highness from all charge of public delinquency, so as to render his removal from office wholly unnecessary, could not, without some expression of our feelings, on the other parts of the case, be a satisfactory, a seemly, or a justifiable termination of this enquiry.—But what I do mean is, that when we do enter into the consideration of what may be proper to be done in respect of this part of the case; called upon by what we conceive to be due to a sense of public morals and of religion; we should not only not forget to have some indulgence for human frailties as a part of our morality, and with whatever severity we ought to judge ourselves, that in judging of others, charity is a part of our religion, and therefore temper and measure out our justice accordingly; —but that we should also, feeling as statesmen upon this particular question of what is to be done towards the Duke, take into our gravest consideration, the circumstances of expediency and policy, connected with it; and view the question, in all the various and important bearings, which it has upon the public interests of the country at large:—admitting, certainly, as I have admitted, that considerations of morality and religion have most important bearings upon those interests.

Those, indeed, if there are any such, who think that the army has been ill administered under the Duke of

York; who think that his Royal Highness is an unfit person to hold the situation he has so long filled in it; who think, that during fourteen or fifteen years which this Illustrious Prince has been at the head of the military department of the country, the army has not prospered under his command—that the regulations which he has introduced have not been most beneficial—that he has not, as a father, watched over its interests, increasing the comforts of the soldier—promoting the interests of the meritorious officer—establishing charitable and useful institutions for the orphans and children of soldiers—providing for the better education of officers in military knowledge;—that he has not laboured, and successfully, for the improvement of the discipline of the army, and has no merit for having brought it to the highest standard of perfection at which it exists at this day: those who think thus of the Duke of York, may undoubtedly, with a just regard to the interests of the country and of the army, wish for his removal, upon grounds totally independent of this enquiry:—and if they can look to any probable arrangement which may furnish the army with a better Commander in Chief; if they see the means of obtaining such an arrangement, by which there would be less room for the exercise of party feelings, less jealousies, less interference of improper influence in military promotions; that the removal of administrations will less affect the claims of merit, and destroy the fair prospects and regular pretensions of officers; they may then, politically speaking, not unwisely seize this opportunity of accomplishing what they would deem a great public benefit, in procuring his removal. But those, on the contrary, who upon a near and accurate inspection of all these circumstances, think otherwise; those who think we should in vain look to supply the place of his Royal Highness by any person so well qualified to fill it, will deprecate his removal as a national calamity; and if they see no ground for charging him with public guilt, will feel anxious to retain him:—and whatever measure of censure or regret they may think proper to adopt, will feel it an important consideration so to temper the severity of their censure, as not to accompany it with any thing that shall necessarily compel the removal of His Royal Highness from the situation of Commander in Chief;—but above all, they will abstain from addressing for any removal connected with this enquiry; because such an address, so connected, would necessarily imply an opinion of some corruption, which I trust this House will negative, or some guilty participation in the offences which this enquiry has brought to light.

Long as I have trespassed on the patience and attention of the House, I still am sensible that I have omitted many observations which ought in justice to this case to be pressed upon their consideration. In an examination of so long a case, or rather of such a variety of cases, it could scarcely be otherwise; and I must trust that whatever may have been my omissions, the further debate will supply them.

I should now conclude, Sir, but for the necessity of adverting to what fell from the Honourable Gentleman towards the close of his speech.—The Honourable Gentleman observed that "The country would decide "on the conduct of the Commander in Chief. The "country would decide on his own conduct—that the "country would decide on the conduct of this House."—If the object of this observation was merely to remind us, that as public characters, we ought to keep in view the opinion of the public; that it becomes us to take a proper estimate of its value, as all our hopes of public usefulness must be founded on the good opinion and confidence of the country, I perfectly agree with him; and if his observation is to be carried no further, and implied no more, I have no objection to it; but if it may be supposed to refer to any existing impression which may have been made out of this House in the public mind, to which the opinion of this House must conform, or that the country will, as the Honourable Gentleman expresses himself, decide against the conduct of the House, I deprecate the doctrine as most unconstitutional, and as most unjust. What, Sir! have we been sitting week after week upon a painful examination of this case, and are we at last to decide, not upon our own view of the evidence which we ourselves have heard, but upon the opinion which has been formed of it by others? An opinion, too, how formed? Formed, through the most indecent abuse of the liberty of the press, upon those garbled extracts of the evidence which have been circulated during the enquiry, and commented upon with an industry as unprecedented as it was malicious. Are we to be threatened with the judgment of the country upon our conduct, if we do not bend our decision to such an opinion? Against the doctrine that this House is to decide upon any opinion but its own, even when sitting in its Legislative capacity,—I beg leave to enter my strongest protest: but that this House can think, that in a case of a judicial nature, on which we are to decide upon the interests and honor of an individual, we ought so to be influenced by an opinion which we must know to have been so mischievously excited, I cannot, and I will not believe.

We must, Sir, I admit, for the efficiency of our measures, and for the dignity of our character, keep in view the public opinion; we should so conduct ourselves, that our conduct ought to be approved by our constituents and our country; and we may confidently trust, that if we do our duty conscientiously, the enlightened understandings of the people will give us credit for having done it faithfully, however it may be at variance with their present impressions. If there are those, who forming a premature judgment have thought differently, they will retract their erroneous opinions, and they will do justice to their representatives, provided their representatives do justice to themselves—provided they do not desert the station, and surrender the functions which they hold under the constitution of the country.

If these are not the sentiments by which the House of Commons is to regulate itself, the House of Commons will not only lose its influence; but if to flatter the people, or basely to court their favor, we surrender our correcter judgments to their misguided and inflamed impressions, we desert our duty, we abandon our trust; our place, our functions in the Constitution are gone. It were better there should be no House of Commons at all; it were better at once to accept as our Constitution a wild unrepresented democracy, without the controul of the House of Commons, or Parliament, than to degrade ourselves by consenting to become the mere instruments of that democracy, to adopt its opinions, and to register its laws.

I do hope, Sir, and feel confident, therefore, that the House will put out of its consideration, every thing derived from any other quarter than from the evidence and argument heard within the House itself.

The Honorable Gentleman says, that "The country "will decide upon his conduct:"—I also feel, Sir, that the country will decide upon mine; and in the conduct which I pursue, I do look for the judgment which my constituents and my country will ultimately form upon the propriety of that conduct, and feel that they will estimate my public character accordingly; and I trust I shall not be considered as arrogating any thing too much for myself, when I say that I have as much to lose as the Honourable Gentleman; that I have an interest in the public opinion not less deep than the Honourable Gentleman himself. In the course I have pursued, whatever I have done has been open, it has been avowed, it has been before the House and the country. I have neither disguised my first impression and prejudice against the Honourable Gentleman's statement, nor my opinion as I have formed it upon the evidence as it has proceeded. I have no hesitation in saying, that I have thought that in many views of this subject, and on several occasions, it has presented alternatives extremely difficult of choice. In the outset of the business it was extremely difficult to determine whether the most eligible mode to be adopted would be the open and public enquiry which has been chosen nor an enquiry before a select or secret committee; upon the whole, I certainly did think, not without being sensible of much of the inconvenience which might attend it, that the most public enquiry, especially as it was anxiously sought for and preferred by the Royal Duke himself, would be the most satisfactory, and therefore the best.—The House adopted it. And although I certainly do feel much of the inconvenience which has arisen out of this publicity, yet there has nothing occurred upon the whole that has led me to repent that choice, which in a difficult and distracting case I then thought right to recommend. I think now, that if his Royal Highness is acquitted, as I think he ought, and as I trust he will, of these foul charges, that the acquittal will be more satisfactory to ourselves, and to the country, than if the enquiry had been less public. That the enquiry, if it had been less public, would have been attended with some advantages, is obvious; but it is equally obvious, that those advantages would have been counterbalanced by accompanying inconveniences. If any impression should have arisen in the public mind, that the true state of the evidence had been suppressed, and that the privacy of the enquiry had been used as the means of screening the object of it from the censure or the punishment that he deserved, we should then have had reason to repent of such privacy. Now, Sir, the grounds upon which the House of Commons will come to its determination, will be those which may be as well known to the public as to themselves. But whether this determination was right or not, the choice being once made, we could not have the benefits of publicity without its attendant evils. It was necessary that we should be consistent; and to have withdrawn any part of our proceedings from the public, to have acted on the wish to suppress or conceal any part of the case, would have created more suspicion, than if our enquiry had originally been conducted in a less public manner. Throughout the whole of these proceedings, therefore I have felt, that if we erred at all, we should err more safely by extending the range of enquiry even beyond what might perhaps be deemed its proper limits, than to contract it. Upon these, and upon all other points which have occurred during the whole course of the proceeding, I have never shrunk from avowing my share in them, and have openly stated and explained the reasons for my conduct; my conscience tells me I have acted faithfully and justly. Towards the Royal Duke I confess I have acted with an earnestness, and an anxiety, equal to what I should have felt if it had been the cause of my brother; and in the proposition which I tender to the house, I protest that I feel it to be the same, which under similar circumstances I should be bound to propose, if His Royal Highness were a perfect stranger to me---It is in my judgment that which the demands of public justice, and public policy, require at our hands. What the result will be, the house will determine; and as far as I am concerned, I can assure the Honourable Gentleman, that with respect to my constituents, (who are, I must take leave to tell the Honourable Gentleman, an extremely numerous body, with as extended and popular a right of election, as any in the country,) I am not apprehensive, if my conduct is rightly understood by them, that there is any part of it, by which I shall incur the risk of forfeiting that confidence, which I have so long enjoyed, which I regard as the best test of my public character, and which I esteem as a posession of the highest value.

I shall now trouble the house no further, but conclude with moving the amendment, which I have before explained.—(See page 130.)

MR. BATHURST

Mr. Bathurst said, he thought both the original motion and the amendment were, in his opinion, so objectionable, that he could not give either of them his concurrence. He disapproved of the latter part of the amendment proposed by the Chancellor of the Exchequer, in which he attempted to consolidate the two motions into one: for he apprehended that unless the House had something to communicate to His Majesty, in which they desired him to take some part—it was neither usual nor necessary to submit to His Majesty what has been done by that House. His Majesty had the same means of information of what was going on in the House, as the public in general have, through the medium of the public prints, and therefore it amounted to nothing, the stating to him in a formal manner what had passed. He had the same objection to the Address itself. He should rather have an amendment proposed, expressive merely of the guilt or innocence of His Royal Highness the Commander-in-Chief, which might be afterwards followed up by some other resolution, either that he should or should not be continued in the command of the army, upon a thorough investigation of all the other matters of inquiry, without the House coming to any final determination upon the present occasion. There was no occasion for multiplying resolutions as preparatory ones to the last, when one resolution might answer the purpose sufficiently; for it was more manly in the House to come to a direct and positive opinion upon those charges. Mr. Bathurst then entered into an examination of the various parts of the evidence, but in a manner very inaudible in the gallery. We understood him to argue, that the letters produced might have been written merely for the purposes of deception of persons who applied to Mrs. Clarke for promotions and appointments. This supposition was strengthened by the circumstance of solicitations being continued, even after warning.

had been given and disapprobation had been expressed to Mrs. Clarke by the Duke. It had become so notorious that she had influence with the Commander-in-Chief, that she had found it her interest to follow it up. When it was considered what sort of a man General Clavering was, it was evident that he could not be one that was dabbling in commissions, as Captain Sandon had been, and therefore that he too had been amongst those who were duped. This being the case, none of the letters produced appeared to afford the presumption that His Royal Highness was aware of all the applications made to her. As to the note which had the name of Major Tonyn in it, a considerable degree of the impression created by that note must be done away, when it was known that that officer had various sorts of business at the Horse Guards, and that Mrs. Clarke was often applied to, merely to give information of what progress had been made in transactions connected with that office, through her connection with the Duke. As to the boy that was promoted in the army, it had been proved that he was the son of General Sutton; and it should not be a matter of surprise, that he was taken notice of on account of his possessing merit. Disapproving as he did of the motion and the amendment, both in point of form and substance, he should think it his duty, unless some other gentleman took the matter up in the light in which he viewed it, to propose other terms for the House, expressing its sentiments in a manner more congenial to the feelings of the Illustrious Personage under whom the army had flourished for many years. Without intruding his proposition at present, however, he should only suggest what he thought would be most proper upon such an occasion; namely, "That this House has observed with the deepest regret, that in consequence of a connection the most improper and unbecoming, communications upon official subjects, and relative to military promotions, have been allowed to exist, which could not but tend to the discredit of the official situation of the Commander-in-Chief, and give colour and effect as they have done, to transactions the most indiscreet and pernicious."

Mr. WHITBREAD—" I approve, Sir, of the judicious speech that has been made by the Honourable Gentleman who has just sat down. I think that what he has said is in many points so convincing, and the deductions drawn are so irresistible, that no man can dissent from them. But, Sir, I should have wished rather to have followed the Right Hon. Gentleman over the way, (Mr. Perceval,) as I was prepared to answer many of the arguments he used in the eloquent speech which he has made; for, to do him justice, I must say, that in it he has displayed abilities which have even surpassed himself. Whatever may be the decision of this great and important question, I think His Royal Highness the Commander-in-Chief cannot have reason to find fault with the defence that has been made for him. I believe the Right Hon. Gentleman opposite to be perfectly conscientious in every thing he has stated in that Illustrious Personage's behalf; but I am sure there were many passages in that speech, which it would be impossible not to animadvert upon, and that I shall do as delicately as possible. The Right Hon. Gentleman began by attacking my Honourable Friend, the original mover, in a manner which, I must say, he did not deserve; and he concluded with asserting doctrines, which I think were founded upon false and erroneous principles. He had complained that his Hon. Friend had stated, that the country would sit in judgment upon the decision of the House upon this occasion, and that such an expression was wholly unconstitutional. How he had a right to suppose that any thing either unconstitutional or improper was intended by my Hon. Friend, I am at a loss to conceive. It was only an appeal to the people of the country, which, most assuredly, their representatives had a right to make upon this occasion, and in doing so he was only following the example of one of that Right Hon. Gentleman's colleagues, who, soon after the change of administration, held out a threat, that, whatever might be the decision of the House, they would appeal to the sense of the people. I may truly say, with him, that there have gone forth various garbled extracts of evidence; but if there have been libels worthy of being complained of, I call upon his Learned Associate upon his right hand (the Attorney-General) to say why those libels should have so long gone unpunished? for no want of severity can in general be stated to have taken place in their proceedings. I have not been able to read the whole of the newspapers and various publications that are daily going forth, but of this I am certain, that the misrepresentations have been quite as gross on the one side of this question as upon the other; and as the Right Hon. Gentleman himself was anxious to give publicity to these various transactions, it was what might have been naturally expected to arise. Forgetful of all these circumstances, he has seemed to insinuate, that if you were to dismiss His Royal Highness the Duke of York from his official situation, it might be held up, *in terrorem*, that there was no other individual fit to succeed him. Now, Sir, I grant that the present Commander-in-Chief may be a person possessed of merit; but is it from thence to be inferred, that, should he commit crimes, they are to be entirely overlooked? If such an argument is to be supported by the decision of the House, my observation is, that, *cæteris paribus*, it is an objection to our having, upon any occasion, or under any circumstances, a royal duke at the head of our army. If these charges come to be verified, they display those immoralities and crimes, which have, in former instances, brought nations to ruin. They are such as under which we have seen governments sink, and under which the people have grievously suffered. I ask that Right Hon. Gentleman and his colleagues, if supposing any other individual but a royal duke had done all this, would he have been allowed to continue Commander-in-Chief at this moment?—(*Hear! hear! hear!*) Estimating the various qualifications of His Royal Highness the present Duke of York as I do, I think that, be the decision what it may, he is not one that ought to be placed in such a responsible situation. I can assure the Right Hon. Gentleman and the House, that I am not one of those to whom he can allude as wishing to catch at any thing that may tend to criminate His Royal Highness. An Hon. Gentleman (alluding to Mr. Burton) said last light, that he had come down, not with any partiality towards the Duke, but rather with a partiality to the accuser, although he had stated sentiments of exculpation as to the accused; and, he added, that this had proceeded from his having listened a little too much to the libellers against that illustrious personage. But, Sir, I for my part can state, that I came to this question rather with a degree of partiality towards the Duke, while, at the same, I entertained the utmost impartiality for the sentiments of my Hon. Friend. The Right Hon. Gent. has stated, that he believes my Hon. Friend, the mover of this Address, has not produced it of himself, but that there have been cooler heads at work. If by this he meant no more than what the word *cooler* implies, I think he may at least admit, that great merit attaches to my Hon. Friend, for having coolly submitted it to cool heads; but if he meant by these expressions to say, that he has lent himself to designing men, I may venture to say, that the imputation is absolutely false. I intend to vote for the Address of my Hon. Friend, but I would not wish to do so, if I imagined the mover of it was capable of lending himself to designing persons, to obtain advice and counsel in such an important question. If, therefore, the expression was meant in its proper and just acceptation, it ought to be taken as a compliment; but if ironically, it cannot be taken otherwise than as meaning the very reverse, and implying an unjust and unmerited insinuation. If it were intended thereby to shew how far there has been a conspiracy or conspirators, I beg leave upon that point to make a few observations, in order that my friend, as well as myself, may stand upon proper grounds, and that others may not think, with that Right Hon. Gentleman, there are motives of that infamous sort that ought not to attach to any member of Parliament. Soon after the charges were brought forward, it was stated that my Hon. Friend had some secret and hidden advisers, and I thought that the time chosen for that allegation was the moment least of all others adapted for any one having any connection with him to disclaim him. It was at a moment when it was thought that one of the charges had failed, and that, therefore, the whole of the others would turn out to be nothing. It was then hinted, that there might be people in the back ground, who did not wish to come forward, and it was then I should have most wished to have stated my sentiments. But, Sir, the truth of the matter is, that I had no share whatever in advising these measures. At that time there was only one conversation had taken place between my Hon. Friend and me, during the space of twenty long years, since I first knew him, and only one letter passed between us upon this business. The conversation, too, was merely accidental, upon the street. He told me what charges he had to bring forward against His Royal Highness the Duke of York, and what was the sort of evidence he had to substantiate them. I believe I said I thought it incredible that the Duke of York could have so conducted himself; and I told him, too, of all the heart-burnings that would arise in such an instance of accusation in case of failure. He was firm and determined, and I finding him so, added, that I should be in my place in the House, and I should vote for a Committee of Inquiry, as I could not think there would be any one that would oppose it. Whether or not I have pursued this conduct publicly, the House may have seen by my diligent attendance here to do my duty and perform my promise.—I have promised nothing more to the Honourable Mover of this question, than what I should have done to any other Member of Parliament; and I meant nothing more than that he should have fair-play in the House. By this I mean to make no imputation upon any of the Hon. Gentlemen on the opposite side; for I trust, that whatever may be their conduct upon this occasion, they are conscientiously endeavouring to do justice to the accused and to the country, and that we on this side will do the same. As to the Address, Sir, which my Hon. Friend (Colonel Wardle) has moved, I entirely agree with it; for I think it is couched in the most respectful and most delicate terms that could be used in any instance to a father, when stating a complaint relative to his son. If it had been otherwise worded, then it might have been objected, that it had not been done in more mild and temperate language. I'll go farther and say, that after hearing the evidence that has been adduced, my opinion does not differ in any degree from that of the Hon. Mover; and that, as a Member of Parliament, I must confess it is impossible the Duke of York could have been ignorant of these transactions. Whether the Duke of York be guilty or innocent, the House of Commons must discharge its duty, by expressing its sentiments at the foot of the Throne. The Right Hon. Gentlemen has reminded us, that perhaps through the course of nature, this very Duke of York may probably ascend that very Throne occupied by his Royal Father; but let me ask him, what is the way by which that Throne is to be purely filled, and the people purely governed? We do not know but that his Royal Highness the Duke of York may, like other great men of whom history informs us, be raised and educated my misfortunes to be fit for Government. I do think that corruption is proved, and that improper influence has been practised to a very great extent; and if such be even the suspicion of any one, is not this the most proper and effectual means to take the sense of the House as to his guilt or innocence upon the proof adduced? I beg to recal to the recollection of the House the singular situation in which we now stand. We have been examining witnesses at the Bar for nearly three weeks, and I dare say, the Chancellor of the Exchequer, and those near him, who have practised in the Courts of Justice, must allow that all the facts, as laid by these Witnesses, would be received upon a trial for murder, otherwise a murderer might escape. If then it be such evidence as would be sufficient in a trial for life and death, I may remind them that even upon the present occasion, when sitting in judgment upon the Duke of York, we are also upon the trial of the life or the death of the country. But, Sir, the Right Hon. Gentleman opposite has made an appeal to my Hon. Friend as to the degree of credit that ought to be given to Mrs. Sinclair Sutherland, while he (Mr. Wardle) was disposed to believe the evidence of Mrs. Clarke. If these corrupt practices are to be made out, where, in God's name, are you to seek for evidence? Is it from Colonel Gordon, or those who are around the Duke of York? No—you must quit the office, you must quit the house of the Duke of York, the Commander in Chief, and you must search for other places and other abodes, in order to find out corruption. The Right Hon. Gen. says, if you attend to Mrs. Clarke, you cannot blame him, for attending to the evidence of Mrs. Sutherland; for if you disbelieve the one, you must also disbelieve the other. Both the learned Gentlemen who have spoken on the other side of the House, have had a very great task in endeavouring to discredit all of the witnesses, one after the other, and afterwards all in a lump. They seemed to ascertain the disqualifications of the witnesses by classes, and infer that Mrs. Clarke is not to be believed on account of her situation in life. Do these learned Gentlemen, in Courts of Law, adopt the plan of disqualifying women by classes? If they disqualify the women in the present instance, what shall we do with the Captains and with the Generals? Has not Captain Sandon been committed to Newgate, and has not General Clavering so grossly prevaricated, that it is in agitation to commit him also? Can they disqualify Mrs. Clarke, because she lived in open adultery with this person or that person? It is utterly impossible. We all know, that sitting as Jurymen upon this evidence, we could not look upon women in such situations as totally destitute of virtue, merely because they have forfeited their good fame and reputation in one particular instance. In a Court of Justice any of them might convict a man of perjury. In *The Spectator* I remember there is a question proposed to this effect—‘ if the women were to be turned into Jurymen, what would they think of the men?’ We know that Witnesses, perfectly of this description, are often produced upon trials affecting men's lives, and that men have even suffered death upon their testimony. We know that, in a recent instance, a person of a similar description has given evidence in the case of a will, where considerable property was at stake; and upon that evidence, which was perfectly unimpeached, the ultimate decision of the question proceeded. The Right Hon. Gentleman and the Hon. Gentleman who preceded him on the same side, have stated, that this woman was actuated by revenge in this case, on account of her being discarded by the Duke of York. This I do not deny; for I must say, that the way the Duke of York conducted himself towards that person was by no means creditable to him. Mrs. Clarke has said, that what Mr. Adam stated was perfectly true. And has there been any effectual attempt to shew that what she said was in any respect incorrect? When she made the claim for her annuity, it was not listened to; and she then had recourse to the only resource left her—that of threatening to make an exposure, which at the same time she stated would be as unpleasant to herself as to the Duke. Under such circumstances, if the Royal Duke had paid that sum of money she wanted, it would have been no imputation upon his conduct. She was actually forced into conversations, which got into print, and by that means the matter became public, and the exposure took place, without any apparent anxiety on her part to put her threat into execution. Had she been very revengeful, she would not have been so careless about her letters, some of which were destroyed by herself, and some by others, at the time she lived at Hampstead. When she appeared at the Bar, she no doubt displayed a considerable deal of effrontery and impudence, yet this could not be thought very extraordinary, when she knew she had to undergo the strict cross-examination of the Attorney-General and the Chancellor of the Exchequer, with their *corps de reserve* behind them. Endeavours were made to mislead her; but I think the Right Hon. Gentlemen who defend the Duke so strenuously, have misled the House much more than they did her, by misrepresentations of her evidence. On her cross-examination came out the name of General Clavering, and the next day that of Dr. O'Meara. Up comes General Clavering to contradict her testimony, after having voluntarily offered himself, by letter, to the Attorney-General. One would have thought, that a General Officer, coming to the Bar of the House, for the purpose of impeaching a witness, should have come forward with clean hands; but although an excellent officer, he certainly shewed himself no judge of what was proof, and what was not, as he referred us back to the evidence before adduced, in order to support his own statement. He stated, that he had never had any communications nor conversations with Mrs Clarke upon the subject of promotions. You go on with the examination, and shortly afterwards letters were produced which would not have appeared had not General Clavering been put to the Bar; and in these letters there is General Clavering, who comes to prove this woman a liar, recorded in characters as black as Erebus. It was thought impossible that Doctor O'Meara would bring the Protestant Clergy of Ireland into such disrepute as had been represented; but every doubt was cleared up, by the production of a letter signed by the Archbishop of Tuam. In respect to the witness Nicholls, I must, Sir, observe, that a great degree of dexterity was necessary to attend his examination. But on all occasions I would prefer nature to dexterity; one ounce of nature, in my opinion, is always worth five hundred pounds of dexterity. Mr. Nicholls says, when she lived at Hampstead, she called herself a widow. But if we revert to our youthful days, when most of us are the victims of frailty, I may venture to say, many of us have called persons our wives for the purpose of accomplishing certain of our purposes. (*A laugh.*) But in all which has been repeated respecting Mr. and Mrs. Dowler, about whom much has been said, still one instance cannot be adduced where we find that Mr. Dowler was sued for the debt of this supposed wife. On this occasion I am induced to declare, that if it were a case of life and death, I would not believe that this statement could discredit her testimony. I cannot help also noticing how Mr. Few the auctioneer had been brought forward to strengthen this attack upon the veracity of Mrs. Clarke. He tells you he saw a cocked hat on the sofa, and the maid told him her mistress was a gay young widow. But really, Sir, if this testimony, with Few the auctioneer, supporting it, were adduced to invalidate the credit of Mrs. Clarke's evidence, so help me God, I would not believe it. Again, if we refer to what passed respecting the Court-Martial, were it was endeavoured to prove Mrs. Clarke represented herself a widow at that particular period; yet, how is the fact? It is very certain Mrs. Clarke was named a widow upon the minutes of the proceedings before the Court, but it does not appear she ever did on that occasion say she was a widow. The Hon. Gentleman informs us, he could call our attention to twenty other cases; but as he thought proper to omit mentioning their names, it cannot be expected I should apply myself to their investigation. Certainly, not any person absent from this House, either during the whole or part of the inquiry, and who may have taken his account from publications, can be presumed to be so intimately acquainted with the true evidence, as those who have been constantly present; nor will it be possible, during the discussion, to impress them with an equal degree of accuracy. For, Sir, I think there is a great deal in the manner in which witnesses deliver their testimony; a great deal in their demeanour at the time; and upon that woman being examined over and over again, no unfavourable opinion could attach to her veracity. The Hon. Gentleman opposite seemed to consider this repeated examination as a compliment to the Witness. The Right Hon. Gentleman further proceeds, in a strain of triumph, and acquaints you, Mrs. Clarke is contradicted by a most respectable witness, Mr. R. Knight; and he tells you, when produced at the Bar, that she told him she would expose the Duke of York in the same manner she is doing now. How does this contradict her testimony? Why she is again called at the Bar, and she said what she had expressed before, 'I told Mr. Knight I would publish the letters of the Duke of York.' There is not the smallest contradiction between the evidence of the one and the other; and if we examine the evidence of Doctor Thynne, it does not contradict her at all. Greater stress than necessary has been laid on Mrs. Clarke's saying to Knight the transaction ought to be kept secret from the Duke's ear; but my opinion leads me to think of it as a very indifferent part of the testimony now before us. Was it likely Mr. Knight would go to the Duke and say, 'I thank you for the favour you have conferred upon me—and I have, according to my promise, made a present of 600l. to Mrs. Clarke?' There was no danger to be apprehended by her on that account; she was only afraid the tale might accidentally be told to a friend, and thus communicated, till, at last, through the medium of third persons, it should reach the ears of the Commander in Chief, who, of course, would be much displeased to have these reports circulated in the world. Neither do I think it extraordinary, she should in the first instance, have denied having gone to Reid's Hotel, as the wife of Dowler; but the Right Hon. Gentleman says, it was there she hatched, in her midnight hour, her malevolent designs against the Duke. I come now to another part of the case, and shall proceed to offer a few observations on the conduct of his Royal Highness; and in doing so, I wish to guard myself from misrepresentation. The speech of the Right Hon. Gentleman has been sufficient to shake the mind of most men, who had previously formed a different opinion upon the subject, and in some measure had that effect upon myself, until I was induced to examine the foundation upon which I had placed a different construction. With respect to the Royal Duke, we know well the nature of the human mind, that if we once give way to the bent of inclination, and have got to a certain extent, we do not know how far we shall be carried by such a disposition: most probably giving way to his indiscretion towards the woman, and at length making her the confident of his private hours, those trusts were reposed in her which were wholly derogatory to his character and situation. As to Colonel Gordon, he certainly was not the private bosom friend; but the Private-Secretary of his Royal Highness, an officer confided in with judgment, and who executed his office with fidelity. Mr. Greenwood might amuse himself in looking at Mrs. Clarke, and Colonel Gordon might be employed in his official duties; but it was not to such men that transactions of this description were to be entrusted. Because great vigilance may be found in the regular discharge of every public military office, will of itself produce no argument against the existence of these abuses. It is also said by the Right Honourable Gentleman, is it not extraordinary where so many appointments must necessarily take place, so few instances of abuse should be brought forward by my Hon. Friend? But he ought to bear in mind this is a peculiar case, and it might be very difficult to come at all the evidence, for the personage against whom these charges were brought was the son of the King. The Hon. Gentleman also has said, is it possible the Duke of York could have so committed himself? And so say I; is it possible the Duke of York could have thus committed himself? It has been asked, if any man would attribute a base motive to the Commander in Chief respecting the 2,500l that he could have entertained any wish to deprive any person of their right? No; I would be the last men to fix such a foul stain upon his character; but I do believe, from certain reasons which generally prevail in such cases of corruption, that this sum, as the wages of iniquity, was not paid. The account of the expences in Gloucester place, stated by others, comes to the same sum within 500l. of her own account. A story is told us, how difficult it is to teach young Princes the use of money; but the Duke of York, at the head of the

Army, ought to have known the use of money; and when he frequented Gloucester-place, saw the servants, the furniture, the dinners, the carriages, the company, so great a shew, he could not but know great expences must be incurred, and great extravagance used; and this suspicion could not possibly have escaped him, when he must have known, and did know, for he was privy to Mrs. Clarke's distress, who was driven to pawn the diamonds and trinkets which ornamented her person. There is another thing, to my mind very extraordinary, that the persons promoted by Mrs. Clarke's influence do not appear to have been known by her. Had she merely recommended her friends, there would have been nothing so very extraordinary in the occurrence. But, Sir, it does astonish me to consider she was applied to by, and recommended Dr. O'Meara, an Irish clergyman, and the whole sanctioned by a letter from an Archbishop. He must have been unknown to her, as likewise French and Sandon, at the time of their application. General Clavering also, that family man, could not have known her? As to S. Carter, I wish the subject had not been mentioned; but with my Hon. Friend I rejoice he has turned out a meritorious officer; if he has merit, he ought to be rewarded from whence ever he sprang. Has not Bonaparte shewn the world he could make Generals out of any materials if there was put a latent spark of merit? The conduct of his Royal Highness proceeded to an extreme, from being under the dominion of a lover, he laid his head in the lap of Dalilah, and was robbed of his strength. I do not entertain any surprise that Knight and Brooke should act in the manner represented, and that 200l. should be given Mrs. Clarke, when it was reported all over the town she had so much influence, and Knight clapped his hands after he heard the intelligence that his application had succeeded. The Right Hon. Gentleman spoke a great deal about another Witness called Pearson, but now he has knocked him on the head; brains he certainly had none. This Witness, when he appeared at the bar, made a poor figure, and, after all, the examination into the 200l., and the change sent for on that occasion, were not, could not be a conspiracy against the Duke of York. Without dwelling more upon this case, I have only to advert to Major Tonyn's case, and I know from good authority 500l. were deposited in the hands of a person of the name of Gilpin, a respectable man. Mr. Huxley Sandon, who is now in Newgate for his improper behaviour in this House, fails,in respect to this affair, of attacking the credit of Mrs. Clarke. That note which was afterwards attempted to be proved a forgery, was at first thought by the Hon. Gentleman to be as dead as Homer. I was once doubtful, but I was soon convinced it was not a forgery. To effect proof against Mrs. Clarke, they called a mean Witness, of the name of Town, who merely told you a cock and a bull story. I am really astonished at the Hon. and learnted Gentleman (Mr. Burton) that he should express any doubt on this occasion; an old and grave judge, used to address tribunals of justice, that he should say before this tribunal of the public, before heaven itself, he entertained a doubt; why if you doubt this testimony, neither would you believe though one rose from the dead. Even in regular promotions you have a damnable proof against the Duke of York, of Mrs. Clarke's influence. But, as I said before, when once a man gets trammelled in this manner, there is no calculating upon the extent of her influence. In regard to Colonel French, when we entered upon this subject, the Right Hon. Gentleman began by disproving Miss. Taylor, Indeed, when I consider the conduct of Hon. Gentlemen on the other side, it was not correct even towards my Hon. Friend, against whom certain insinuations were thrown out, and very improper questions were proposed to him in that stage of the proceeding.—I do think that the testimony of Miss Taylor is to be credited; the Right Hon. Gentleman appears to wish to induce the House to imbibe the opinion that Miss Taylor was not to be credited because she kept company with Mrs. Clarke, (*Hear! hear! from the Ministerial side.*) I heard her testimony, I had an opportunity of observing those circumstances from which the credibility of a witness is easily ascertained, and I can pronounce this to my judgment and to my conviction, they were of such a character as to prove her worthy of the utmost reliance. With respect to Mrs. Clarke herself, I beg that the House will not be too hasty in deciding upon her testimony, or too prompt in attaching that imputation, which, upon the first view of the circumstances, and without mature deliberation, it may be inclined to attach. I can quote the case of Samuel Carter, who was relieved and protected by Mrs. Clarke; I can appeal to Captain Sutton; I can appeal to a Reverend Doctor of Divinity, who has had her patronage; and then I will ask whether he who talks of calumny upon one side should not look to the possibility of it upon the other?—(*Hear!* (*Hear!*—But allowing the abandonment of Mrs. Clarke, admitting that she was a woman of those vices which the Right. Hon. Gentleman and his colleagues were willing to represent, I will ask whether, when she is emerging from vice, the door is to be shut against her return, and the hope of reform and amendment excluded by our fastidiousness? Chastity I will allow is a great virtue, it is an ornament to the sex, but then it is not their only virtue or their only ornament, there is a great Commandment, which says—'Thou shalt not bear false witness against thy neighbour;' and perhaps many who may not have observed the dictates of chastity in their purity, may yet have bowed down to the great dictates of truth and justice. The Right

Honourable Gentleman said, that it was impossible Miss Taylor could forget what had happened four years ago, but another forgot it also. I can easily think it possible that both had been deficient in recollection; Mrs. Clarke appealed to the Crown Lawyers in the course of this inquiry; but if she heard the opinion of the Right Honourable Gentleman she would have selected her counsel from another quarter; the testimony of Miss Taylor establishes this important fact, that the Duke of York was conscious of the transactions between Mrs. Clarke and Colonel French. The Right Honourable Gentleman has talked a great deal about Colonel French and his levy; but, after all, his levy was highly objectionable to the Generals of the army. Mrs. Clarke received five hundred guineas upon this business. But mark the proceedings in Ireland—After the letter of service was granted, Colonel French went to Ireland; a beating order is given to a man of the name of O'Reilly, and Colonel Fawcett complains that Colonel Taylor calls him a crimp. But if ever I was astonished, it was at what the Right Honourable Gentleman said about economy, a subject so distinct from the present consideration, that it ought not in prudence to have been mentioned. The letters produced to Mrs. Clarke were not produced under circumstances that should induce us to believe that she was acquainted with them. When they were shewn to her, she was desired not to read them; she was desired merely to speak to the hand writing, and pronounce whether it was her own; and she did speak to it, she did acknowledge it to be her own, under this prohibition, under this ignorance of their contents, which innocence, and only innocence, could induce her to trust to. Again, when Mrs. Clarke was asked whether she had given any letters of the Duke out of her possession? she denied it; but on being presented with one which was his hand-writing, she recognised it, and said that it was his, and must have come from her. Let those who are capable of distinguishing between truth and falsehood; let those who are capable of discriminating between those shades of evidence, which attach to, or detract from, the character of truth; let those pronounce whether this woman has not evinced her veracity in the manifest candour of acknowledgment, in the fearless asseveration, which, in this instance, she makes, after offering her opinion that she gave none of the Duke's letters out of her possession! When letters are produced to her which are his, she does not deny that they are, she confesses that she must have been mistaken; and, by a generous admission of her error, she proves the extent to which she is to be credited in her evidence on this important case. Mrs. Clarke writes to Captain Sandon; she tells him that the Duke is in a passion about the slowness with which his levy proceeds. This is all the reproach for his deficiency; it is the only step that is taken to discountenance a proceeding injurious to the interests of the army and of the state at large. She represents in her letters to Captain Sandon that she spoke of him to the Duke; that he said he was a d—d clever fellow, and she enumerates other circumstances, that evince no willingness or disposition to misrepresent. I say, Sir, that a witness desirous of misstating facts, would have been too guarded to deviate into those circumstantial simple details in which she has indulged. The fact is, that the levy of Col. French was such a notorious job, that an Honourable Friend of mine (Mr. Elliot), moved for a return of that levy, to ascertain and to expose the circumstances under which it was conducted; and here I come to an argument on which much stress has been laid; it was said that the dismissal of this woman was a proof of the innocence of his Royal Highness; because, if he were guilty, it was supposed that he would not commit himself to her revenge; but I deny it to be the case that criminality is always so prudent. I can very well imagine that anger may act without thought, and indignation display itself without consideration; but in the detail of the case, see what is brought before us? It is proved that she was indebted to the agents 3000l. it is also proved that she paid 500l. for plate; a sum which, in the genial month of May, must soon have been expended by that lady. The witness Dockery knew nothing about the matter; but that he was paid by the Duke of York; he did not remember any conversation that took place between him and his Royal Highness upon that occasion: yet I must be allowed to conclude, that there is a strange presumption that a conversation relative to the business must have occurred; and I cannot help thinking it a singular circumstance that it should have been forgotten. The Right Honourable Gentleman asked how this business comes to be a national concern? As he mentioned the plate of the Duke de Berri, I cannot help thinking it an awful recollection, and one peculiarly applicable to the present case; it recalls the circumstances of a revolution brought about, not by philosophers, but by corruptions. (*Hear! hear!*) It should have appeared in this light to his Royal Highness; he should have derived a melancholy but instructive lesson from the fact, that a Prince of France was thus reduced, that his plate was sold at a pawnbroker's, and it ought to have taught him to avoid those excesses which might lead to the realization of such a consequence. The Right Honourable Gentleman attacked the testimony of Mr. Dowler; he said that he had contradicted himself; that he had been contradicted by Alderman Combe; I deny the fact, no such contradiction appears in the course of the evidence; it seems upon that evidence that Mr. Dowler is appointed commissary, but how, or by what means, or by whose recommendation, after every search, they are unable to make out; the result of all inquiry is *non est inventus*. It was said that Mr. Vernon could give material evidence upon this head, but Mr. Vernon was not produced; and I feel myself justified in the conclusion, that what Mr. Dowler said was true. (*Hear!*) I do believe from my soul that Mrs. Clarke obtained that appointment for Mr. Dowler; it is said that he slept with her a single night, and that in the course of that night this conspiracy, of which we have heard so much, was projected. There is another case, that of Mr. Elderton, in which Mrs. Clarke acted with feeling; but while the Duke of York acted thus, while he was promoting those objects which were grateful to his mistress, and which he did promote merely with that view; while he did thus, he proved himself unworthy of the situation which he held, because he shewed himself to be influenced by motives that should never be allowed to operate. Mr. Greenwood said, that the Duke of York never applied for a situation for Elderton, but then he said he wished him appointed, and made inquiries respecting a situation, which produced the same effect. But there is one thing which I beg leave to impress upon your recollection, as going in a great measure to prove the veracity of Mrs. Clarke; she was remarkably careless about those letters, by which the case is so materially affected; she was not cautious to preserve them for purposes of vengeance, but exhibited a carelessness in her conduct respecting them, which proves to my satisfaction, that they were not intended for such a purpose. It appeared, also, from her testimony, that catholics were rising in the army. Happy would I be to see them appointed! Happy would I be to see them advanced to that state of confidence which they merit, and which I hope they will at one time accomplish. I would wish to see them placed above the influence of arbitrary opinion—for even acts of Parliament may be arbitrary; and there are, perhaps, few acts more liable to the imputation, than those by which their exclusion is enforced. Upon the cases of Mr. Kennett and Mrs. Sinclair Sutherland, I will not dwell. It might have been somewhat plausible, at the commencement, to talk of conspiracy; but, in the present stage, the cant is too absurd to be admitted. My Hon. Friend has brought forward this business as he ought. Infamy, it was said, should attach somewhere; but I believe I may assert with confidence, that infamy cannot attach to him; and I leave it to themselves to ascertain the quarter to which it is imputable, if it must needs light somewhere. Is my Hon. Friend engaged in a Jacobin conspiracy? Am I engaged in a Jacobin conspiracy? Because he has brought forward a charge, and I am determined to support it. The cry of Jacobinism is one that is much mistaken in its acceptation. Jacobinism is not confined to the cottage, it often dwells in palaces, and among the great. My Honourable Friend behind me, I take to be the true Anti-jacobin: for he endeavours to destroy that corruption that breeds dissension and disunion. The charge of Jacobinism may, with more propriety, be brought against the Duke of York, whose conduct was calculated to produce discontent, and consequently disunion. His Royal Highness should have considered this: but by an unaccountable infatuation, he has precipitated himself into errors, and even in the very letter which he addressed to Parliament, exposed himself to censure and disapprobation; he pledges the honour of a Prince, but what avails that protestation? Does not every one protest his innocence? And is there any thing in the honour of a Prince superior to the honour of the humblest individual?—The Right Hon. Gentleman has talked of the virtue of public men, I join him in the eulogium. I believe that there never was a time when public characters were less impeachable, but then I believe that this is, in a great measure, owing to the apprehension of exposure; I believe that it is owing, in a great measure, to the committee over which he once presided, but from which he is now separated. I hope that Gentlemen will have a sufficient regard for the cause of liberty and justice; I hope that they will divest their minds of all prejudice, and decide upon this important question with the temper and the sentiments that become them. If you decide so, we may yet entertain hopes; but if you determine otherwise, with other views and other feelings, I must say, that the plague is amongst you, and that this country and constitution will be quickly at end."

Sir VICARY GIBBS observed, that when the Right Hon. Gentleman, wished it to be understood, that he did not speak to influence any member in his vote, he went his full length. He thought he was studious to influence; at least it was tantamount to try to prevail. The first question for them to consider was, whether those practices were not carried on with the knowledge of the Commander in Chief? He wished to deal with the Commander in Chief as he would with the lowest individual; but surely it could not be attributed to the lowest member of society, that he was more guilty by declaring his innocence. Then why should it be made a crime, that his Royal Highness had done so? Did his high situation put him to that height, that the laws of his country should not give him that protection, which was, and he hoped ever would be, the boast of Englishmen that they could attain. The Right Hon. Gentleman who spoke last, seemed to throw a screen over the evidence of Mrs. Clarke, and also insinuated, that she had foiled those who attempted to cross-examine her. He did not wish to say but her evidence, or at least a part of it, was given with that effrontery that not any thing could have apologized for, but the smirk and smiles of the Honourable Gentleman and his friend ; and he now enjoys the result of his encouragement. The Honourable Gentleman says, we attempt to contradict Mrs. Clarke's evidence by Mr. Nicholls. He contended, it was not an attempt ; but it was actually proved, by a respectable man, a householder, a tradesman, residing in Hampstead, who stated at the Bar, that she represented herself as a widow, and afterwards that she had married Mr. Dowler, but she wished it to be kept a secret ; for if the Duke knew of it, he would send Mr. Dowler on foreign service. It had been said by the Honourable Member, that Major Tonyn's case had been proved by Captain Sandon, and he had asked how it happened that the appointment had taken place in August? We have this explained by a most circumspect witness, Colonel Gordon, who had stated, that early in July the Duke of York had desired him to make out a list, which he did, and included Captain Sandon's name, without any suggestion from his Royal Highness ; and by the same witness we were informed, that on the 9th of August His Majesty's sanction was obtained. Mrs. Clarke even did not suggest, that she had ever had any communication with the Duke

York upon the subject, but that she had only told him she was to receive 200l.; and was it to be supposed, or could it be believed, that the Duke of York would have committed such an act? As to the letter, supposing it to be genuine, though certainly it was suspicious, it had no bearing upon the question.—He could invent 500 circumstances, and attach them to that letter, which would make it appear perfectly innocent—but then it would only be his statement; and could any one attempt to attach a criminal interpretation to it, when Mrs. Clarke, so great an actor, could not tell how it applied. As to Colonel French's levy, nothing but what Mrs. Clarke said could attach any thing improper to his Royal Highness. The regulations for this levy underwent the strictest examination, and with more than ordinary jealousy, by Col. Loraine. He could not agree with those who said a presumption arose, that the Duke of York knew of this foul transaction; he considered such presumption as hard, cruel, and unjust. But it had been said it was confirmed by the conversation which had been heard by Miss Taylor. If such conversation had taken place, it would not bear out the inference; without attempting to invalidate her testimony, it was certainly remarkable that she should recollect this circumstance of the conversation and no other; particularly as she had never heard Colonel French's name before, or had ever mentioned it till three weeks before the present Inquiry began. This reflexion led him to another; it had been said by Mrs. Clarke and Mrs. Favorie, that Miss Taylor was a great favourite with the Duke of York, and that she used to be admitted to his dinner party; now this might have been proved, if true, for M'Dowal and Pearson, who had each waited at table, and consequently had more opportunities than Mrs. Favorie to notice such a circumstance, both declared that they never recollected even to have seen Miss Taylor in the same apartment with his Royal Highness. It had been also urged with respect to the payment for plate to Mr. Birkett, that when the Duke of York gave bills to the amount he did, he knew there was a deficiency of 500l.—he knew that was paid by Mrs. Clarke, and consequently that she must have paid it with the 500l. received on account of Colonel French's Levy: but, he said, that connoissance must be proved, which it was not; and therefore there was no evidence against the Duke of York, and the whole of the objections were destroyed. He then proceeded to comment on the contradictions in the evidence of Mr. Dowler, in denying his interviews with Mrs. Clarke; which, he contended, were partly for the purpose of arranging his testimony. As to the other cases, he should not think of entering into them at that late hour, after they had been so thoroughly observed upon before. Upon the whole, then, he concluded, there was no evidence to fix this foul transaction upon the Duke of York. He admitted the charges proved, provided Mrs. Clarke was believed; but when they recollected her many contradictions, the many fabrications she was convicted of, and the whole of her conduct, there would be but few who would think there was either participation or connoissance of corruption in his Royal Highness: for these reasons he was induced to agree in the measures of his Right Honourable Friend, Mr. Perceval. He then considered the necessity of adopting any measure that would tend to remove the Duke of York from the command of the army; and concluded from the past, the total cessation priety since the separation from Mrs. Clarke, and the sense he entertained of past indiscretion, there was no danger of a repetition of them, and that consequently there was no necessity for so strong a measure.

Mr. BANKS called the attention of the House before they separated, to an amendment he proposed offering to the original Address, taking it as his foundation. He did not mean to detail, only merely to state generally the nature of it, in order for their consideration. He proposed that many parts of the Address should be altered and taken away; but he would add one material clause to the body of it—that this House negatived all participation or connoissance of corruption in the Duke of York, but that, under all the circumstances, they did not consider it proper he should any longer continue a servant of the public.—Adjourned.

FRIDAY, MARCH 10.

On the motion of Lord Folkstone, the House proceeded in the further consideration of the Report of the Committee, to investigate the conduct of his Royal Highness the Duke of York.

The original Address of Colonel Wardle, and the amendment proposed by the Chancellor of the Exchequer, were read from the Chair.

Mr. BANKES. "Upon this case, which has already occupied so much time, and is likely yet to occupy much time. I shall take the liberty of stating a few words, in consequence of what has fallen from the right honourable Gentleman opposite, who proposed the amendment to the original motion. I should not think that what I am about to propose as an addition to those proceedings was contrary to any form of Parliamentary practice; conceiving, as I do, that the original motion, at first suggested by my honourable Friend, is objectionable in point of form, though not in substance, yet it is certainly the best of two that we could adopt. I think, however, that it would become us to lay before His Majesty the result of what we have deduced from those examinations that have taken place here, in one uniform and general Address, instead of adopting various previous resolutions. As to the nature of the Address most proper for this occasion, I do think that our minds are not yet very much made up upon that subject, and as every one seems to have some shades of doubt and of certainty, we should take care not to agree to certain Resolutions proposed, until we can ascertain what is to be the result of them. For this reason it is, that one uniform general Address would be the preferable mode of procedure in this important and delicate investigation. Should it be otherwise, and supposing the House were to agree to one or both of the first Resolutions, and not adopt a third one, such as the House ought to adopt, it would place itself in an awkward situation. To obviate that difficulty, I wish to have the whole of the subject at once before the House, in order that we may be sure what we are about. (*Hear!*) With the view, therefore, of preventing any difficulty of that nature from arising in this stage of our proceedings, the only proper mode will, in my opinion, be, to amend the amendment that has just been read. This I would propose to do by retaining the preliminary part of the Address proposed, and to incorporate with it a proposition, upon which it will be proper and indispensibly necessary for the House to say Aye or No, upon the subject in question. The point of form in this procedure will be decided by you, Sir; and from the conversation I had the honour of having with you upon this matter, it appeared that the precedents of 1755 and 1783 have not escaped your memory. In the usual course of such proceedings, therefore, the first division of the House in the progress of this great question will be that which I intend to submit to you in the form of an amendment upon the amendment of the original Address, and upon this point I think the sense of the House may be taken this night. Now, Sir, to touch upon the merits of the question itself, I must observe, that, although I appear as a sort of volunteer in this great cause, yet I can assure you there is no individual Member of the House who enters into this inquiry with more reluctance than I do, and that has attended to the progress of it with more real pain to himself.—*(Hear! hear!)* We must give credit to our own Members, for the honourable motives which actuate their conduct: but I cannot help saying, that after all that has passed, it appears to me that the result of this inquiry is much more likely to prove detrimental than beneficial to the country.—*(Hear! hear!)* Since the question has been brought forward, the House is certainly forced to meet it; and having gone into the consideration of it, by adducing evidence at the Bar, I am now anxious that the House should do itself honour by its proceeding. Under that conviction I trust I shall not disgrace myself in laying before you what I have to propose, and I am persuaded many Gentlemen will mark their opinion of it by their vote in its favour. The general subject has been so amply discussed upon the separate charges, that even had it been my inclination to do so, I feel the necessity of doing it is greatly done away. I feel no desire to follow those honourable Gentlemen who have entered into the most scrupulous investigation of all the different heads of evidence. That task has been most ably and luminously performed by the right honourable Gentleman opposite (Mr. Perceval), with an ability surpassing any I have ever seen displayed in almost any great cause; insomuch so, that even if I had not been interested in it, I must necessarily have been induced by his eloquence and perspicuity, to enter into the consideration of this question with the utmost attention to his detail of evidence. I shall do him this justice too, to say, I really think he did it with great fairness and conscientiousness. On the other side, the speech we heard last night from an honourable Gentleman near me (Mr. Whitbread) must have struck every one as most forcible, eloquent, and perspicuous. To enter, therefore, into a recapitulation of the tedious evidence, would only tend to confuse and perplex and should never be attempted to be practised, but ought most studiously to be avoided. The numerous attendance of the Members, and the great attention they have paid, in order to make themselves masters of the subject, entitle them to the highest credit; and I hope that they will now take care not to disgrace themselves by their decision. Because the right honourable Gentlemen opposite seem to think that some of these witnesses have contradicted themselves, a thing which I shall not entirely deny, does it follow that their evidence would not be received in Courts of Justice, or that it ought not to be attended to here, or that you are to be thereby prevented from taking out those parts of the evidence which are true from those parts of it which are false? Does my right honourable Friend think, that because some of the witnesses are not worthy of belief, the whole of the evidence of the others ought to be blotted out? Are we to imagine that persons eminently characterised by good faith and honour are the only ones to be believed, or that those who are known to tell many falsehoods, tell no truth in any instance whatever? Are we not bound in such cases, to sift their evidence to the bottom, extract that which is rendered true by corroborative circumstances, and receive with caution, or wholly reject, that which is otherwise? Most undoubtedly we ought to do so. In Courts of Law, the rules of evidence are in a great measure precisely defined, but even there no such constraint is imposed. Here we must act for ourselves, and attach credit to such parts of the evidence as we deem worthy of it, and upon the whole of it form a general opinion. With regard to many of the witnesses in this present case, I may say, I hardly ever remember of having seen any where so much truth and falsehood intermingled; but is it therefore possible to say, that where you suspect falsehood to exist, it is the same thing as if you had heard nothing at all passing from the mouths of such witnesses, or that not a word of truth had been uttered by them? As to Mrs. Clarke, the principal witness upon this occasion, I think some parts of her testimony appear to be so strong, as to be totally incontrovertible; and therefore bring the matter home to the knowledge of his Royal Highness. The principal part of the other evidence that appears to do so, is the testimony of Miss Ann Taylor. Attempts have been made to invalidate the testimony of this young woman; but I must confess they have not been such as were convincing to me, although some suspicion might attach to her, from the circumstance of her declining to answer certain questions. I do not mean those relative to parents, but other questions; for the not answering of which, it was hardly possible she could have any reason. Attending to her evidence strictly, and taking into view the internal evidence of concurring circumstances, it is difficult for me to believe that the conversation she alluded to did not pass almost in the very words in which she stated it. If that conversation did pass, I certainly think it does carry a degree of suspicion, rather exceeding that which my honourable Friend near me (Mr. Bathurst) was willing to ascribe to it; namely, that a constant unreserved intercourse, with regard to military promotions, took place between his Royal Highness and Mrs. Clarke. It has been questioned how far it was probable that this woman should recollect one conversation with such accuracy, and not one circumstance that occurred in any other of the conversations at which she was present. But let us see a little how far this bears upon her veracity and credibility. We are to suppose, as has been alleged, that Miss Taylor comes here as one of a conspiracy; if so, was it, I would ask, difficult for her to have stated some further conversations, in order to do away such an objection? They went to establish that the notes received by Mrs. Clarke from Lieutenant-Colonels Knight, Brooke and Taylor, were shewn to the Commander in Chief; was it not competent to have brought forward Miss Ann Taylor, to have stated, that she actually was present when they were so shewn to the Duke, if she had really been a witness disposed to come forward to tell deliberate falsehoods? Would it have been a difficult matter, under such circumstances, for her to say she was present, and saw the note delivered to Ludovick to change? Here, I say, was evidence expedient, and within their own reach, impossible to have been controverted. Miss Taylor, when examined as to other conversations, stated, that she did not remember any other, than that of which she gives the words; and

I think her testimony on that account is the more credible.

"There is another part of the testimony, not oral, but written, which, I think, is of great importance, and to it I shall allude. It is called the mysterious note; and I think I never remember of one more so in all my life. I do not think it is difficult to imitate any hand-writing, so that credit might be given to it as coming from another; but upon this I must recur to the substantial internal evidence of its not being a forgery, as has been alleged. Where is the evidence that this note was written by Mrs. Clarke to persuade gentlemen that she had influence with the Commander in Chief, when, from the delay in regard to Tonyn's appointment, it gave them reason to think she was deceiving him? It was written in a manner that might persuade gentlemen of any thing they might think proper to construe into it, might make them believe either that Tonyn's business was to rest as it was, to go on, or to stop. In short it amounted to nothing at all, unless those who received it actually believed it came from the Commander in Chief, and was written in his hand-writing. If this note were a forgery she must have been sensible it was written in a style that implied nothing, and therefore could not have the effect it is alleged was intended by it, namely, to induce Colonel Tonyn not to withdraw his money, which had been lodged for his promotion. This note may not only be understood in different ways, but it is also written without a signature. If it were forged, she had surely no difficulty to have given it a signature equally well as to have written the other part of it, and the more especially, as it appeared from her cross-examination, that imitating hand-writings was her particular talent. Here then is a woman with no fame nor character to preserve, and not much concern ined from committing any crime of this sort, according to the opinion of these right honourable Gentlemen, forging a note, which was evidently not one of the sort which could convey the sentiments which it is alleged she must have meant to convey. I really think it would have left Colonel Tonyn in as much doubt as before. This note appears to have gone to him by means of Captain Sandon, although evidently never intended by the Duke nor by Mrs. Clarke to have been so delivered. Captain Sandon, who is deserving of no belief, wished to conceal this note, being conscious he had taken it unknown to Mrs. Clarke, who, in her testimony, shews she was entirely ignorant of its ever having been in his custody.—Did not all this tend to prove, that it was no forgery, but was actually of the Royal Duke's handwriting; If then, I be asked as to whether or not I have any suspicion of Colonel Tonyn getting his promotion from the Duke, through Mrs. Clarke's influence and interference, I answer, that nothing is more probable; for it is clear, that his Royal Highness knew of the whole circumstance concerning it. This, however, was one of the questions which the right honourable Gentleman opposite chose to involve in difficulty. I have no reason to negative the question as to his having some such knowledge of it; although I might feel some degree of hesitation. The transaction, as to the levy of Colonel French, is one that is also said to have procured Mrs. Clarke money, through the influence of the Duke, and with his knowledge; but this in some degree I negative, as there is no proof, in my opinion, of any corrupt connivance or participation on the part of his Royal Highness. In regard to some of these promotions, it is evident, that circumstances are proved, which shew that he must have had some general information of them. The letter as to General Clavering's levy of men, evidently shewed, that there was a return made by the Duke to the application of Mrs. Clarke, by his stating, that the new regiments were to be raised from the second battalions, and, although it shewed nothing either political or judicious, yet it confirmed that general intercourse which subsisted between his Royal Highness and this individual, which has operated so detrimentally to her character. There is another part of the same letter, which relates to Dr. O'Meara; and why does that learned Doctor carry his credentials to Mrs. Clarke? Is it not because this foolish and ambitious man wished, by preaching before Royalty, to elevate himself into some situation of promotion, through the medium of Mrs. Clarke? These are points which appear to me to form prominent features in this cause, and such as are sufficient to justify the House in founding the result of this inquiry, which I shall submit to their consideration.—It is impossible, I think, that the House can adopt any proceeding of a criminal nature upon any of those proceedings that have transpired, and for that reason I think it but justice to his Royal Highness, as well as fairness to the country, to state explicitly, and in a concentrated point of view, what is our opinion of the whole investigation that has taken place as to those great and substantial charges. It will surely be a great consolation to His Majesty to know, that the decision has lost the greatest part of its violence against his royal offspring, by our stating that it does not appear proved that there was any corrupt connivance or participation on the part of the Commander in Chief. But it is impossible that any one can so clearly exculpate his Royal Highness as my right honourable Friend proposes to do by his amendment, for it absolutely gives a negative to any knowledge of the whole transactions.—Even if there were no knowledge proved, I am convinced that the general notoriety of these transactions, and the constant applications to him in his official capacity as Commander in Chief, might have easily created a suspicion in his Royal mind, that Mrs. Clarke must have been participating in pecuniary emoluments arising from corrupt practices as to promotions, and therefore it is impossible he can be entirely exculpated. I think that the correspondence produced by Captain Huxley Sandon is extremely material, and particularly that letter from Mrs. Clarke to him, which mentioned her jealousy as to Greenwood; which jealousy could not have existed, if she had not been conscious every thing had been communicated to the Duke, and should they meet at the box in the Opera, they might be led to talk of the levy. There is one other main point, which it appears necessary for me to include in the amended Address, and that is, with regard to the immorality displayed upon this occasion, which although alluded to in the amendment of my right honourable Friend, is not in sufficiently strong terms. This House, the guardian of the laws, constitution, and liberties of the country, ought also to be regardful of the public morals, and especially in such times as these. It is impossible not to think that this is a species of immorality which might corrupt the public mind, and operate as an example upon other classes of society. It is peculiarly necessary, for the public example, to do away such a public scandal, and it is not sufficient therefore to say merely that we lament that such a connection should have taken place. The Address to his Majesty, upon the opening of Parliament, is generally made as an echo to the speech; but was it ever conceived that such an Address as this was to be an amorous letter.—*(Hear! hear! hear!)*—A letter, too, written under such circumstances as those attending [illegible] by the Duke of York. To do so would not be making a public example to the country, and it would be so like an humble obedience to the dictates of his Royal Highness, that it would not convince the country that we proceeded upon pure and honest grounds." The honourable Gentleman then concluded with moving, as an Amendment to the first Amendment,

"That an humble Address be presented to His Majesty, to state to His Majesty, that information has been communicated to this House, of various corrupt practices and abuses having prevailed in the disposal of Commissions and Promotions in His Majesty's Land Forces, into which this House has diligently examined; and that we feel ourselves obliged to acquaint His Majesty that the result of our inquiries into the truth of these transactions, by the examination as well of oral evidence as of various documents, has convinced us that such corrupt practices and abuses have unquestionably existed.

"To assure His Majesty that it is highly satisfactory to this House to find no ground in any of these proceedings for charging His Royal Highness, the Commander in Chief, with personal corruption or participation in any profits derived through undue means; but that while we readily do justice to the exemplary regularity with which business is conducted in his department, and the salutary regulations which have been introduced by His Royal Highness, some of which are calculated to prevent such practices as have been brought under our review, we are obliged to express our opinion that such abuses could scarcely have prevailed to the extent to which they have been proved to exist, without having excited the suspicion of the Commander in Chief; and we humbly submit to His Majesty, even if it can be presumed that abuses so various and so long continued, could have prevailed without the knowledge of his Royal Highness, whether the command of the Army can with propriety, or ought in prudence to remain any longer in his hands.

"To express to his Majesty that the Abuses which have been disclosed during the progress of this examination have unveiled a course of conduct of the worst example to public morals, and highly injurious to the cause of religion, which if not discountenanced by his Majesty and by this House, cannot fail to have a pernicious effect upon those main springs of social order and well-regulated society, which it has been his Majesty's uniform care to support and strengthen by his counsels, and to illustrate by his example."

Mr. YORKE expressed his satisfaction, that among the members of the House there were so many, who, from their situation in the country as Magistrates and Grand Jurors, were familiar with the rules of evidence, and would feel the force of the observations which he thought it his duty to make.—Adverting to a remark from the honourable Gentleman in whom this discussion originated, he declared his persuasion, that although that House was the virtual representative of the people, and ought not to act without a reference to popular feeling; yet that they would on no occasion sacrifice their judgment to popular clamour. There were two general questions to which he should call the attention of the House: the first was, whether his Royal Highness was criminally implicated in the transactions that had been developed (on the decision of which question another would arise with respect to the further proceeding that it would be proper to adopt;) or secondly, supposing his Royal Highness to be acquitted of any criminality, whether he was still liable to censure for negligence, or on any other ground; and what proceedings it would be adviseable for the House to pursue. Although he entirely differed in opinion from his right honourable friend who had just sat down, he was far from ascribing to him any purposed contrivance to render difficult the course which the House had to adopt. He could not, however, help being surprised to hear his right honourable Friend say, that the course which he had advised was calculated to avoid intricacy. The direct reverse was the case. His right honourable Friend in the Address which he had proposed, admitted in substance the first resolution of the right honourable Gentleman near him, namely, that it was proper the House should come to a decision on the question; but his right honourable Friend could not, it seemed, agree to the second resolution of the right honourable Gentleman, because there was a sentence in the latter part of it to which he objected. Would not the most plain and obvious course have been for his right honourable Friend, when that resolution was put, to propose to the House, an amendment, comprising his view of the subject? Such a step would have been simple, and would have avoided all that confusion which must result from the change in the form of the question before the House; in the first instance, from address to resolutions, and now from resolutions to an address. Having made these preliminary observations, he would proceed to comment on the case before them. The facts were these; that his Royal Highness the Duke of York had most unfortunately met with an abandoned woman of the name of Clarke, with whom he continued connected for two years and a half, during which period Mrs. Clarke, with the assistance of agents of the vilest character, carried on to a certain extent a system of corruption with reference to promotions in the army and other transactions. Of these facts, as proved by the evidence, there could be no doubt. It remained to be proved, first, whether his Royal Highness had any criminal participation in these occurrences; or, secondly, if not, whether he had been so negligent in his conduct as to deserve the severe censure that it was proposed to inflict upon him. What was the nature of the evidence that had been adduced? The principal witness was Mrs. Clarke; and he confessed that he could give no credit to that part of her testimony which affected the Duke of York, unless when it was corroborated by other evidence. There was one circumstance relating to Mrs. Clarke, which had not hitherto been adverted to:—it had gone to the public, that Mrs. Clarke was a married woman, who having been debauched by the Duke of York, and seduced from the course of virtue, lived with him for a certain time, and that he then abandoned her. What was the fact? It had been distinctly stated in evidence, that Mrs. Clarke was very intimately acquainted with Mr. Ogilvie, an army agent, before she resided in Gloucester-place. She had been examined on Ogilvie's commission of bankruptcy, and her answers shewed, that if she did not live with Mr. Ogilvie, he lived with her. Considering her subsequent conduct, he had not the least doubt that Mrs. Clarke came to the Duke of York completely instructed in all the mysteries of army brokerage. When Mrs. Clarke was asked on her examination, what could induce her to adopt this system of trafficking in military promotions, she replied, her distresses, occasioned by finding that her allowance was not sufficient to defray the expences. Let the House consider dates a little. It had been stated by Mrs. Clarke herself, that no proceeding of the sort to which he had alluded took place until some months, he believed half a year, after she had got to Gloucester-place. The establishment at Gloucester-place commenced about

January 1804. Now it was to be observed, that the first proposal made by Colonel French to raise a levy was dated the 1st of February, 1804. (He was fully satisfied that Mrs. Clarke was acquainted with Colonel French and Capt. Sandon during her connection with Mr. Ogilvie.) Colonel French's proposals were accepted in April, 1804. It was impossible, therefore, that the statement made by Mrs. Clarke, that her having meddled with military transactions was attributable to her distresses, could be true; for it was evident, that she must have been negociating with Colonel French and Captain Sandon in February and March 1804, and it was not in the least credible that her distresses could have commenced at that early period. This appeared to him to be a complete contradiction of one of the most material points of Mrs. Clarke's evidence, and to shake the superstructure which she had endeavoured to build on her falsehood. The only evidence by which Mrs. Clarke had been corroborated on this subject was by that of Miss Taylor. To Miss Taylor's evidence he could not attach any weight. She had made one statement which it was clear she must have known to be untrue. It respected Mrs. Favery. Miss Taylor allowed that she knew Mrs. Favery when the latter lived with Mr. Ellis, but she never recollected her going by the name of Farquhar. He put it to the common sense of the House whether she could possibly be ignorant of this circumstance. When this circumstance was considered—when Miss Taylor's intimacy with Mrs. Clarke was considered—and when the defect of her memory on every other point was considered, he contended that no weight could attach to Miss Taylor's testimony. But be that as it might, he was persuaded that the conversation to which Miss Taylor bore witness could not with justice be interpreted into any proof that his Royal Highness had a criminal knowledge of the transaction to which it related. It was probable that some conversation might have taken place; and it was probable, considering his Royal Highness's confidence in Mrs. Clarke, and considering that he was not aware that she came out of the hands of an army broker, that that conversation might have a reference to military subjects. The probability, however, was, that the utmost that took place might be a complaint on the part of the Duke of York against Colonel French and his levy: and if the House could refer to dates, they would find, that just about that time (April 1805) his Royal Highness was going to put an end to it. On some such remark he had little doubt that the other circumstances were ingrafted. He knew that Mrs. Clarke was perfectly equal to the invention of these circumstances, and he did not know that Miss Taylor was not equal to declare them when invented. As to the case of Major Tonyn, the only circumstance that connected his Royal Highness with it was the note. On the face of it it was doubtful, whether that note was written by the Duke of York or not, and it could not be admitted as evidence of his knowledge of the transaction to which it referred. No one could doubt, from the abandoned character of Mrs. Clarke, that she would not hesitate to forge a note for the purpose of forwarding her objects. It had been proved that she possessed great facility in the imitation of hand writing. The character of her own hand writing had some resemblance to that of his Royal Highness the Duke of York. One of the witnesses, an individual conversant with hand writing, had declared, that on a second inspection he was by no means satisfied that the note in question was not a forgery. Mrs. Clarke had an interest in forging this note. It was to procure for her the speedy payment of 500l. But whether the note was forged or not, it was of such a vague description that it could not be received as evidence. It was without a date, and the name of Tonyn—a name by no means uncommon, might refer to some other individual of that name. In an inquiry, the tendency of which was to inflict such a severe punishment as that proposed, it was most essential that not any documentary evidence should be admitted, the authenticity of which was not completely established. Adverting to the case of Carter, he observed, that this subject had been so successfully handled by the right honourable Gentleman near him, that he could say nothing upon it, except that the Duke of York had as high a feeling of what was due to the honour of an army as any man of the country; nor would he detain the House with any observations on Colonel Shaw's appointment—a transaction to which it was impossible that any criminal connivance on the part of his Royal Highness could exist. On the case of Dowler also he should only refer to what had been said so ably by that right honourable Gentleman. Mr. Dowler was evidently the favourite paramour of Mrs. Clarke, whom he had known for several years, and on whom, it appeared by his own and Mrs. Clarke's evidence, he had expended considerable sums of money. Was it to be believed, that under such circumstances Dowler could be required by Mrs. Clarke to pay her 1000l. for the exercise of her influence? He had no doubt but that this had been a scheme for the purpose of getting 1000l. out of old Mr. Dowler. As to the actual appointment, it was to him pretty clear, that Dowler had obtained it from Sir Brooke Watson; and indeed he had himself declared that in his subsequent conversation with Alderman Combe. He would now proceed to make some observations on the general view of the whole case, and on the course of proceeding which, in his opinion, the House ought to pursue. The address proposed by the honourable Gentleman opposite contained no distinct opinion on the criminality or innocence of his Royal Highness. It insinuated every thing, and asserted nothing. But yet it concluded by requesting his Majesty to dismiss his Royal Highness from the command of the army. To such a proposition there were insurmountable objections. If his Royal Highness were thought by the House guilty of that which was imputed to him, they ought to impeach him. If on that impeachment his Royal Highness was found guilty by his Peers, of infamous and criminal *participation* in corrupt transactions, or of criminal *connivance* in those transactions, did any man think, that merely to remove him from his command would be enough? No; under such circumstances, it would be the duty of both Houses of Parliament to carry to the foot of the Throne a Bill, to exclude his Royal Highness from the succession. If it were deemed proper in a former period of our history, to pass acts for excluding Princes from the succession, in case they apostated from the religion of their forefathers, or married papists, he would say, that if a Prince in the present day was convicted by his Peers of transactions so base and criminal, as to tarnish the brilliancy of the crown on the head of his Majesty, and sully the ermine on the robe, the proposition agitated in the time of Charles II. should now be carried into effect, and a Bill to exclude such a Prince from the Throne ought to be agreed to by both Houses of Parliament; because it would be impossible for such a Prince, under such circumstances, to sit upright on his throne, and look his people in the face. But that his Royal Highness the Duke of York had been guilty of any such dereliction of duty he absolutely denied. There was not a tittle of evidence to support such a charge. There was not one of the four cases alledged to be improper appointments, in which it was not shewn that those appointments would have taken place had Mrs. Clarke abstained from any interference. The evidence of Colonel Gordon distinctly established this fact. Colonel Gordon declared, that he never recollected any wish to have been expressed by the Commander in Chief to depart from the usual course of military promotion.

The honourable Gentleman opposite had laid great stress on the evil consequences of the correspondence between the Duke of York and Mrs. Clarke on military matters; but the only solitary instance of such a communication, was to be found in the letter to Mrs. Clarke, in which his Royal Highness mentioned General Clavering. He was, therefore, astonished to hear the honourable Gentleman go on, and state that his Royal Highness was in the habit of corresponding with Mrs. Clarke on Military subjects. Mrs. Clarke had herself positively denied that there was any thing which related to military promotions in the other letters, that she had received from his Royal Highness. On the whole he was convinced, that the evidence that had been brought forward on these cases was far from being such as to induce the House to accede to the proposition made to them, and the tendency of which would be, to displace from the command of the army his Royal Highness the Duke of York; an event which he should extremely deplore, both with a view to the interests of the army, and with a view to the interests of the country, as connected with the army. The British army had never distinguished itself more than at the period when the chief command of it was vested in a Prince of the Blood. He instanced the case of King William, who assumed the command of his own army, and the allied forces by whom had so nobly distinguished themselves in the glorious war of the succession. Another instance was, the army, formed under the command of William Duke of Cumberland, which signalized itself so much at Minden, and on many other occasions in the seven years' war. In addition to these instances, he would say, without fear of contradiction, that the army formed by his Royal Highness the Duke of York was not only the best this country possessed, but that, putting numbers out of the question, it was the finest army in Europe. At a time like the present, it would be to him a matter of deep regret, if any circumstance should render it necessary to place the chief command of that army in other hands. In better it could not be; and it was more than probable that the greatest inconveniences and evils must be the result of any change. An honourable Gentleman opposite (Mr. Whitbread) had said, that his Royal Highness was not a fit person for the chief command of the army, because among other things he was irresponsible. *(A cry of no! no!)* So he had understood the honourable Gentleman. This at least he knew, that such was the popular opinion. Nothing could be more groundless. The Duke of York was just as responsible as any other man. That he was so, the present proceeding afforded sufficient proof. (*Hear, hear!*) For his part, he was convinced that the King (God bless him!) could not do better than have one of his sons in the chief command of his army. It would be well before coming to a decision on the subject before them, for the House to consider, that if they agreed to the resolution proposed by the right honourable Gentleman on the floor (Mr. Bankes,) they would remove from the service of the State one of its most able and distinguished servants, merely because his mistress, long since dismissed, had been engaged three years ago, in four transactions of which he had no knowledge. The right honourable

Gentleman's amendment went to state, that it would be prudent in his Royal Highness to resign; but he would say that it was not prudent in the House of Commons to listen to a popular outcry.—(*Hear, hear!*)—They ought not to be moved by external circumstances, which naturally arose from what had fallen out in the course of the Inquiry, and the cry of corruption being raised on points not under the cognizance of the House. The idea of thousands squandered on women of an infamous description, thousands earned by the sweat of the people's brows, was a very natural topic for declamation and popular impression; but was the House to adopt proceedings on such a clamour, and to say that his Royal Highness was guilty of corruption, because an outcry of this kind was raised, to determine, that he was unfit to hold the chief command of the army? Without such a popular clamour, no man in that House would have thought that this was a proper course. Let them then speak out manfully, and give their own opinions without bias: and as none could say that from this clamour they were induced to believe the Duke of York unfit for the command, never let them recommend a measure for his dismissal. He concluded by thanking the House for the attention with which they had listened to him during the time he had occupied in stating his opinions on this important subject.

Mr. Leach thought it his duty, upon this important occasion, to address a few observations to the attention of the House. Neither of the Addresses moved respecting the Duke of York met with his approbation—because neither of them acquits his Royal Highness from every species of criminality and connivance relative to the abuses complained of—and because they both contain a request that His Majesty will be graciously pleased to remove the Duke of York from the Command of the

Army. First of all he was induced to say, that he could not believe the evidence upon which these Addresses were founded, for he certainly could not credit Mrs. Clarke herself—she was contradicted by the testimony of others, and there were also contradiction and inconsistency within her own evidence. He trusted the House would indulge him in the course of what he considered the discharge of his duty, while he referred to the written testimony now before them. He contended, if recourse were had to that part of the Papers which contains her evidence, and that of Knight, she is there most flatly contradicted by him, relating to what she had expressed on a former instance, in respect to the threat she made of ruining the Duke. Whatever might have been said by the honourable Gentleman (Mr. Whitbread) near him, and which he was astonished to hear, that Mrs. Clarke's testimony remained uncontradicted and unimpeached; yet on his (Mr. Leach's) mind there was a clear conviction of her testimony being fully contradicted, and not worthy of belief. (The honourable and learned Gentleman here read that part of the evidence.) The next instance of her being contradicted would evidently appear from what she had stated regarding her not having seen the honourable Member who brought forward these Charges the day before: she said, in such a manner that precluded every excuse for mistake, positively, she did not see Mr. Wardle the whole of the preceding day, which was on Tuesday; but the honourable Member himself being examined, immediately stated he had called upon, and seen her, on the day mentioned. Again, without referring to the evidence itself, he would endeavour to recollect the other cases, to which he was desirous of calling the attention of the House; and they would remember, when Mrs. Clarke was asked whether she was in the habit of seeing Mr. Favery, she said, she was not; and then Mrs. Ellis afterwards stated Mrs. Clarke was in the habit of seeing Mrs. Favery, and often visited her. Besides the cases which might be referred to, her evidence was also in itself inconsistent and contradictory. With respect to Mr. Dowler, she not only denied having slept at the Slaughter Coffee-house, but said she had not seen Mr. Dowler the very night alluded to, which was very material. He was ready to admit, indeed he was confident, that the note so often mentioned was the hand-writing of the Duke of York, and he was also of opinion the evidence respecting it was conclusive to this extent, it proved his Royal Highness had some communication with Mrs. Clarke on Major Tonyn's appointment; but that communication was entirely innocent on his part, and so was the writing of the note itself. He had next to make a few observations upon what had been said by Miss Taylor respecting Colonel French and his levy. (The honourable Member read the passage from the Minutes, where Miss Taylor relates the words of the Duke of York on that subject, in a conversation with Mrs. Clarke.) He was not disposed to believe this testimony a complete fabrication on the part of Miss Taylor, but there seemed to him a disposition to communicate only a part. Let it be considered what Miss Taylor had said for herself on this occasion, when she was asked how she came to recollect this particular conversation from so distant a period as four years ago? To this she answered, she had frequently from that time recollected the circumstance; but upon being asked further, she could not in the least recollect what Mrs. Clarke said in reply. But he was certain, and it was impossible it should be otherwise, Miss Taylor could not forge it; she had been inclined to suppress a part of the conversation, and thereby to give it a different colour from that which would otherwise have appeared.

The expenses of Gloucester-place were another topic of animadversion in the speech of the honourable Gentleman; but if we look into the account, all which had been immediately expended or supplied by credit on the part of the Duke of York, the amount of those sums would be about 16,000l. Another general principle, and a very powerful one, was the conclusion drawn from the Duke of York permitting so iniquitous a procedure as the Levy of Colonel French. If it were as stated, it would, most of all, shew corruption in the Commander in Chief; but he did not admit the fact. Colonel French had acted in a regular way, and no doubt would have obtained the Levy without any assistance from Mrs. Clarke. It was strange any one should argue that each man cost 150l. whereas it was an erroneous opinion, founded upon the observation of General Taylor, whose mode of reckoning was for one man only. On this subject it was not our duty to inquire what injury merely resulted from this Levy; but if it were raised for the purpose of privately benefiting Colonel French? Did Colonel French gain any advantage by this Levy? Now the fact was, he lost much from his undertaking, and that consideration alone proved there could be no collusion between him and the Commander in Chief, for the purpose of gaining private advantage. He would pass over Brooke and Knight; for whatever the case might be, it was not one which could in the slightest degree call in question the rectitude of the Commander. If, in the case of Colonel Shaw, he had first been promoted, and afterwards put on half-pay, because he did not pay a certain sum of money to Mrs. Clarke, it would be a strong instance of corruption against his Royal Highness. But it was not true; the case was otherwise, and Colonel Shaw was glad to accept his situation, on condition of his being put on half-pay. He did not believe the Duke of York was at all privy to

Samuel Carter's having stood behind the chair of Mrs. Clarke; at the same time he might have been in that situation; yet it did not follow the Duke must necessarily have been cognizant of that circumstance. Believing as he did there was no truth in the testimony adduced, he considered himself bound to dissent from the Address, and to declare he most firmly believed there was no criminality nor connivance in the conduct of the Duke of York; neither did he see any reason for the interference of that House, and by acting on that subject it was not likely it would be attended with any salutary effect. Much had been impressed upon the minds of individuals with regard to the proper discharge of their duties in that House. He thought the only duty they were bound to attend to, was to read with coolness and impartiality the whole of the evidence before them, and decide, without being prejudiced by any opinion, and thereby they would best discharge their duty. If any Member should act otherwise, and be biassed by the sentiments out of doors, he would relinquish his duty, and his conduct would be a libel on the good sense of that House and the Country.

Lord FOLKESTONE then rose, and spoke in substance nearly as follows: "In proceeding to offer my sentiments upon the Question before the House, I shall, in the first place, notice some observations that have fallen from the right honourable Gentleman opposite, and a few of those who have preceded him in the debate. With respect to what fell from that right honourable Gentleman, in reference to the proceedings recommended by my honourable Friend, I must observe, that upon its legality and constitutionality I have no doubt, and upon its propriety in the present instance as little. I think it is desirable that it should come before the House in one connected view, and be decided upon that liberal scale proposed in the Resolutions.—With respect to certain topics contained in the latter part of his speech, I cannot pass them over without notice. He talked much of public opinion, and the influence it has had, and the impropriety of submitting to it, when unaccompanied with justice; but I do not see any possible ground on which he can rest the judgment, that my honourable Friend has been induced to adopt this course from any weak and culpable subserviency to public opinion: for my own part, agreeing with him as I do as to the propriety of the course he has adopted, I do not think that there is any ground for accusing me of a weak submission to that opinion; and the right honourable Gentleman may recollect, that not long ago I braved its voice, and incurred an universal clamour, for the sake of what appeared to me to be justice. I beg likewise to allude to an expression which seems to reflect upon my honourable Friend; it was said that we were not bound to attribute proper motives to our Members; but can any one think of charging my honourable Friend with improper motives? *(Hear! hear!)* I am surprised that any one should go out of his way to attach upon him an imputation so utterly groundless. *(Hear! hear!)* I am persuaded that he was influenced in this business by pure and genuine patriotism, by an attachment to his country, and to the principles of truth and justice; by a wish to overthrow corruption, to eradicate the vices that undermine the state and sap the foundation of civil society. There is another observation of the right honourable Gentleman, to which I cannot forbear directing your attention, as I think it is of importance that it should be discarded: he stated, that the result of this inquiry was likely to be rather injurious than otherwise. Sir, against this opinion I must protest: when such things are brought to light, when such abuses are proved to exist in the Government under which we live, I cannot think the consequence of that discovery will be injurious to the nation. I am surprised that the right honourable Gentleman, the friend of reform, should represent such a circumstance as not likely to be beneficial. Sir, I believe nothing can be more beneficial; the subject is now before us, and if the House act up to the importance of the subject, I believe it will do more to defend the cause of liberty, and defeat the efforts of a foreign foe, than any other circumstance within the compass of its power. Again, the honourable Gentleman has urged as an argument in this case, that the Duke of York has served the Army; of this I know nothing; I am not acquainted with the state of discipline to which the Army has been brought, nor how far any improvement in it may be considered as owing to him; but this is no consideration for us; it has no application whatsoever to the cause before us; it might be properly introduced in extenuation of punishment, if his punishment were in question; but it can have nothing to do with an inquiry instituted to ascertain his fault, upon specific charges, to which charges the statement bears no reference.—Various objections have been made by the Chancellor of the Exchequer, of a technical and professional nature, against the evidence produced before the House; it has been stated over and over again, that the charge of corruption being originally made, it should be followed up; but what reason have they to conclude that my honourable Friend does not mean to follow it up? In order to shew that he has not abandoned his intention, it will be necessary to recur to the records. Speech is to be answered by speech, and record by record; and let me ask whether there is any charge of corruption against the Duke of York contained in the records before the House?---*Hear, hear! from the*

Ministerial side.) Now how does the question stand? The very first charge of corruption is made by his defenders.---*(Hear! hear!)* The right honourable Gentleman stated, that if this charge were true, the Address did not go to the necessary extent; that he had consulted cooler heads; that he had abandoned the dictates of his own ingenuous mind, and adopted the advice of those counsellors in preference.---Now, Sir, at all times I dislike such attacks.---I do not know what the right honourable Gentleman means by those advisers of whom he speaks, and I cannot help thinking it unfair that my honourable Friend should be attacked in a manner so unsatisfactory and inexplicable. The Address, Sir, is such as I approve, and I will vote for it; if it does not go to the full extent of my feelings upon the subject, if it is not such as under all the circumstances of the case I thought sufficiently severe, am I, therefore, to object to it for its limitation? Can the right honourable Gentleman see no motive of delicacy to interpose? Can he imagine no parental feelings too respectable and too amiable to be offended? And shall I be told, that because the Address does not go to the full extent of the proof, he is justified in refusing to go even so far? With respect to the charges against his Royal Highness, I mean the charges contained in the speeches, for they are not upon the record, I will trouble you with some remarks: the first accuses him of enabling his mistress to exercise an improper influence in the department of the Army; the second arraigns him of conniving at, and participating in those profits, which, by the exercise of that influence, she procured. Such are the charges; as to the evidence resorted to for their establishment, exception has been taken to it by the opposite side of the House. It is stated, that the blandishments of Mrs. Clarke render me no proper and impartial judge. I give credit to her testimony certainly; but then I will state the reason why the other night a learned Judge attacked it upon the ground of her being an accomplice.---*(Hear! hear!)*---He said such evidence ought not to be admitted without the corroboration of other unimpeachable testimony.---*(A cry of no!)*---This was the sense I know in which I took it, and I believe, if I were mistaken, there are many Members in the House who laboured under the same disadvantage."

Mr. BURTON, in explanation, said, that he had not disputed the competency of the Witness, he only denied the credibility; he was of opinion that it should be received, though not credited.

Lord FOLKESTONE.—"I am sorry that I misquoted the honourable Gentleman; I am sure I did not intend it. I will confess, that to my judgment there is little distinction between crediting and receiving a testimony. Why is it received but that it may be acted upon? and when is it acted upon but when it is credited? Besides I can appeal to authority on the subject. I will read to the House what is acknowledged to be law in such cases; it appears from Leeche's Crown Law, that the Judges were of opinion, that accomplishes were competent witnesses."—(Here the honourable Member read the decision of the twelve Judges, upon a case of highway robberry, tried at the Bridgewater Assizes. Having finished the quotation, he proceeded.) "Sir, I wish to take no unfair advantage, and therefore think it right to admit, that I am told this report is not quite accurate; but rather more favourable to my purpose than it really ought to be. At all events, even after making allowance for that innacuracy, there is enough to establish the admission of the evidence of an accomplice, which was the point for which I contended. I could wish that the right honourable the Attorney-General had been more explicit upon this point. I recollect opinions of his on a former occasion, which make for my principle; it was respecting the examination of a witness at this Bar. I do not mean to lay any stress upon his pleadings as an advocate in the cause, but I recollect the reason he stated to me in justification of his opinion, that the evidence of an accomplish should be admitted. He said, that if their testimony were excluded, all testimony whatever would be excluded; for, from the circumstances of many crimes, such testimony only could be had. With respect to Mrs. Clarke's testimony, it was stated that she was induced by such motives as cast a cloud over and defeated it. But when it appears that she was employed in burning all the documents that might satisfy her revenge; when it appears that the papers now before the House were only the remnant of those packets she had in a great measure destroyed; when this appears to your satisfaction, you must see that there are ample grounds to believe her evidence. I am not astonished that there are so few charges, considering the lapse of time, and the loss of several papers. I am astonished that there should be so many. It has been insinuated all along, in a manner not the most flattering to my honourable Friend, that it was Mrs. Clarke who came to prosecute; as if my honourable Friend was put forward by her. I deny that it was right to say so; I assert that it was the very reverse. My honourable Friend was pursuing those inquiries long before he had any knowledge of Mrs. Clarke; it was manly patroitism and virtue that influenced him to that inquiry, and he pursued it through every obstruction. *(Hear !)* Will Gentlemen, then, upon their own surmise, take upon them to pronounce that he is Mrs. Clarke's witness, and not that Mrs. Clarke is his? *(Hear ! hear !)* The letters were supposed to have been burned, yet she mentioned them in the course of her evidence, at the risk of being disbelieved; some things indeed she did forget, but then she told you she forgot them; if she were a conspirator, her tale would have been laboured with more art; she would have recollected those circumstances respecting Captain Sandon, of which she had professed her ignorance. As to the letter concerning Major Tonyn, she said, that she did not recollect to have given it to any one; she believed that Captain Sandon stole it from her. I appeal to the observation which the House must have made upon his conduct, whether he does not appear to be a man who would do so? I believe in my conscience that she did not give it to him: I believe, also, that it is the Duke of York's writing. This letter is said to be mysterious. I wonder how, after the evidence that has come before us, it can be the opinion of any one that it is a forgery. The evidence was of a most extraordinary nature, such as I cannot think the right honourable Gentleman acting in his judicial capacity, would authorise the production of. But it is said that Mrs. Clarke has been guilty of contradictions, I think twenty-eight in number; let us investigate this fact; in the first place we must observe that the honourable Gentleman who discovered, neglected to enumerate them; we must therefore depend upon our own selection, and examine those prominent inconsistencies that strike our own reflection. One of these respects her request to Colonel Knight that he would conceal the transaction from the Duke of York, she having contradicted herself by stating, that such was not the case; now to this contradiction there is a very easy answer, namely, that that transaction happening four years ago might have been forgotten; it is, I admit, highly probable that she might wish this business not to reach the Duke's ears, through a third person, (*Hear! hear!*)—so that the contradiction is easily explained, when it comes to be examined. But Mrs. Clarke said, she was not at home on Tuesday. When I first offered my poor assistance to my honourable Friend in this business, I had met him to make those inquiries which the case required, and which, had I then known, would have been sufficient to account for the apparent contradiction. When the right honourable the Attorney-General was examining Mrs. Clarke as to her family and husband, I thought he was about to prove to us that they were people of a low condition, but the fact was otherwise."

Mr. PERCEVAL objected to the honourable Member going into any detail of facts that had not appeared in evidence, and would not be admitted to appear.

Lord Folkestone continued—" I shall forbear to enter upon the circumstances which have come to my knowledge, as the House does not wish that they should be detailed, and apply myself to another point, the contradiction in her accounts as to being, or not being, the wife of Mr. Dowler; but though Nicholls has deposed that she went by that name, it does not appear that she made use of that name in her negotiations. Another contradiction, that respecting Ellis, is urged, but as I am not permitted to state what I know, I must leave this charge without that reply which I would otherwise give. Another contradiction was, that she did not see Mr. Wardle the day before. But when it was remembered, that this statement was made at the close of a long examination; when it was also considered, how liable those things, which we are in the habit of doing every day, are to pass without leaving any impression on the mind; when these things are considered, we will be able to conceive why Mrs. Clarke might have said she did not see him, without any great impeachment to her veracity. Another contradiction is about Colonel Knight; she said that the negotiation was going on with him about the 25th July, when his Royal Highness was going to Lord Chesterfield's christening. She says she thinks so from referring to *the Gazette*; and they, on comparing dates, discover an incongruity, which proves her, in their opinion, guilty of a gross violation of truth; but though there may be the dates to discredit, there are other circumstances to verify her evidence. It is called a gross violation, because contrary to probability; but is not the whole case at first contrary to probability? Is it not contrary to probability that the sale of commissions should have taken place? Yet is it not conformable to truth? With respect to the evidence of Miss Taylor, it was said she was not to be believed, because she just remembered the phrase, and that she had never heard the name of Colonel French before; but more particularly because she was the associate of Mrs. Clarke. If this were to invalidate her testimony, he would ask how far would such an objection apply to those in higher life? Where would such an objection end? When those of the highest rank were found to associate with others of an opposite description, he would call on them to say, are the lower orders to be discredited for their intimacies? As to Miss Taylor, he had to state a melancholy conclusion to the part she had acted. A good and virtuous girl, for any thing that appeared to the contrary; her father a fugutive, and her mother a prisoner for debt, she appeared to have kept a school for her support. What was the consequence of her appearing at their bar? Her school, consisting of twelve scholars, was gone; and he himself had been a witness to an execution sent into her house, by which her furniture was torn away, and yet the sum total of her debts amounted to but 150l. He did not mean to impute these cruel consequences to the course of examination pursued by the right honourable Gentleman opposite (Mr. Perceval), or to that of an honourable and learned Gentleman below him (Mr. Adam); but if others prompted them to that course, he could not but lay the cruel fate that had attended this unfortunate female, at the door of those whose want of candour had dictated such instructions, without taking previous care of sufficiently informing themselves on the subject; but she was also discredited, because she remembered the fact, on account of the air of mystery which attended the recollection of it. Was this so extraordinary a circumstance, or was it not rather one strongly corroborative of the truth of her testimony? But even if there were contradictions to be found in the testimony of the witnessses called in support of the charges, were there no allowances to be made for the situation they were placed in at the bar of the House, but still comprising a mass of testimony that would be found to be true? While he was on the subject of contradictions, he could not but remark it had been urged, that the testimony of Colonel Gordon has been so correct as to call for the commendation of that House; with this, however reluctant, he could not agree. In the first place he appealed to every one who had heard that Gentleman give his testimony, whether there was not an air of superiority and even flippancy, which would not have been becoming, even in the Commander in Chief, if he were before them? In support of this assertion, he quoted a variety of passages out of Colonel Gordon's testimony. In the case of Brooke and Knight, the Colonel had produced successively different documents in successive nights.--- This was a proof of at least concealment of evidence. In like manner was the case of Captain Maling, as if there had been but the one of that name; and yet, after repeated interrogation, he had at last owned there was another of the same name, and who, in fact, was the person to whom that examination applied, and who had actually been in his office. In like manner, on the subject of contradictions, he had been asked was it not the rule that no junior should be promoted over the head of a senior? "Invariably;" and yet, immediately after, he admitted an exception in favour of Colonel Picton, and also of Colonel Shaw. He had also stated, that none were promoted without having gone through the regular service, and yet he had admitted the case of Captain Maling, in opposition to it. On another part of the evidence it was painful to him to make any observation, but he felt it his duty, and he could not but state the contradictions that appeared in the testimony of an honourable and learned Gentleman (Mr. Adam). He had stated in the first instance that he was intimately acquainted with all the transactions of his Royal Highness; and yet he immediately after alleged he knew of nothing but his money transactions, and accordingly as such he had admitted his knowledge of Kennett's loan. With respect to the inquiry instituted on behalf of the Duke into the conduct of Mrs. Clarke, the learned Gentleman had stated it to relate merely to her money transactions: yet Mr. Lowten and Mr. Wilkinson had said that examination did not advert to any such point, though he stated it did. He had also said the Duke had told him he had *rarely* corresponded with Mrs. Clarke which he afterwards strengthened into *never*. He would ask, then, where were the contradictions of Mrs. Clarke, compared to those of others? It was plain they had committed mistakes, notwithstanding the nature of their examination; her's had been long and tedious; it had been hostile, tending to lead her astray, and avowedly for the purpose of rendering it disagreeable to her. If then they had fallen into some contradictions, was their veracity, therefore, generally, to be discredited? So, on the other hand, if her examination had produced twenty such, still he felt her testimony was unshaken, and he would not shrink from saying so, as being credible at the bar of justice. This he asserted not as a counsel but as a Judge. The Judges had decided that if you believed the accomplice, you might hang the thief; upon these grounds, he in his conscience believed the Duke of York guilty of corruption. As to the conclusion drawn of the sums advanced by the Duke to Mrs. Clarke, from the circumstances of his drawing drafts, and then sending her the amount, he owed he found nothing like proof. Would any one say they might not draw for 200l. for instance, having occasion for a part, and might he not forward the remainder? Mrs. Clarke had herself owned she had received 5,000l. at different times, and as a proof of her testimony, the Gentlemen at the other side had appealed to it, as a corroboration of their own evidence. If she had not been really expensive, it was in their power, and they should have proved the contrary; if they could, and did not, they had not done their duty by his Royal Highness. The style in which she lived, her town house, her country house, her carriages and horses, her entertainments, and champaign, could not have been supported for 10,000l. a year; the most economic could not do it; but it must be at least three times that sum. How then, he would ask, could 5,000l. a year effect it? Kennet's case was a proof of the Duke's distress for money; was it not also a proof of his inability to supply her demands? And this was going on at the very time of the height of her extravagance. Loving her then as he did, and unable to gratify or supply her wants or her wishes, might he not be supposed willing to please her by permitting her to procure a few hundreds as she could? His Lordship feared troubling the House further, and therefore declined touching on the various other points of the case; but before he concluded he entered on an animated eulogium on Mr. Wardle, for the mode in which he had brought forward and conducted the Inquiry, in despite of the threats with which he had been attempted to be intimidated; and asserted that the infamy with which he had been threatened by a right honourable Member, in case of failure, would retort on that Gentleman, if he did not, by his vote, evince the effect which his exertions had produced. With these sentiments, and in the words of that prayer they were daily in the habit of using in that House, of laying aside all prejudices, and partial affections, he gave his vote for the original Address.

Mr. ADAM rose immediately on Lord Folkestone having concluded his speech, and spoke to the following effect:—

Mr. Speaker, I am sure the House will not be surprised that I should take the first moment to present myself to you after what has fallen from the noble Lord, respecting the testimony which I have been called upon to give in this proceeding.

After having passed my life as it were in this House, or in its presence; having been a member of this House before the noble Lord was born; having had the honor of a seat here from 1774 to 1796, and generally taking a pretty considerable share in its business and discussion; after having in the year 1796, retired from this House to pass my time almost constantly in its presence in the discharge of professional duties, in which I trust I have never dishonored myself; having returned again to this House in 1806, the representative of as enlightened a body of constituents as any in the kingdom, and chosen on principles of perfect freedom, I cannot but be most anxious to maintain and vindicate that character, to preserve to myself that reputation with this House and with the Public, which I hope I may have acquired by a long public life of activity, industry, and independence.

Sir, I am not so weak, and I trust I do not so ill understand the situation in which I have lately been placed, as to take offence at the noble Lord for having observed upon my evidence—every person who is a witness is liable to have his testimony discussed with freedom—justice, which is no respecter of persons, requires it. But when the noble Lord has stated that I have given inconsistent evidence; that I have been contradicted by other witnesses; and that I have varied in my testimony in material parts of this case, it is most natural that I should not let an instant intervene in calling the attention of the House to the evidence which I gave, and to which the noble Lord refers, and I have no doubt that I shall convince even the noble Lord himself, that he has been completely mistaken in all that he has said respecting my testimony.

Sir, I am sorry to consume the time of the House with what may be supposed to be personal matter, but it is essential to justice as well as to myself that the matter should be cleared up, that the evidence which I have given should be well understood.

The noble Lord first states that my evidence has been inconsistent in the account which I have given of my connexion with the financial concerns of the Royal Duke; that I at one time held out that I was acquainted with the whole of his Royal Highness's concerns in that respect, and then confined it to my situation as his trustee. If Gentlemen will look to the evidence which I gave on the first day of this proceeding, they will find that on that day I stated distinctly that the only funds of his Royal Highness, the application of which fell within my knowledge, were those which were appropriated to his creditors; that I knew nothing of the application of that part of his income which he reserved for his own expenditure; that I could not tell whether a private pension to this or that person was or was not paid. This appears from my testimony in page 25 of the printed evidence. On a future day an honourable Gentleman, now under the gallery, (Mr. Charles Adams) asked me, (that part of the evidence is in page 265) Whether the annuity was or was not paid to Mrs. Clarke? To which I answered by referring to my former evidence, by which he would see that I could know nothing respecting the payment or non-payment of the annuity. The same Gentleman on a subsequent day examined me again respecting the payment of the annuity, and if the noble Lord will look to that part of the testimony, he will find my evidence to be perfectly conformable to that which I have already stated. On this part, therefore, of my testimony, I hope the House will be satisfied that there is nothing contradictory.

The noble Lord next asserts that I was contradicted by Mr. Comrie, in the evidence which I had given respecting a loan which was proposed to be made by the Duke of York. Here the noble Lord is again in a mistake. I never gave any testimony whatever relating to that subject; there is I will venture to say nothing of the kind to be found in my evidence. It is very true that in a speech which I made on the day in which the honourable Gentleman (Mr. Wardle) opened these charges, I did state to the House that I had uniformly found his Royal Highness to be accurate in his statements respecting his pecuniary obligations, and that the correctness of his statements in that respect, afforded a strong presumption in my mind of his correctness in other respects; that I had likewise every reason to believe that in every case where there had been any proposal made to him to raise money that he had referred to me. Now it was professedly to contradict this part of my speech that Mr. Comrie was called by the honourable Member, (Mr. Wardle) and it will be seen, that instead of contradicting, Mr. Comrie distinctly confirms my statement in my speech on the first day of these proceedings; for he says in his evidence, page 64, that he had been referred by the Duke of York to me, and was asked by the Duke (to whom he went upon the subject of a loan on mortgage of £10,000) whether he knew Mr. Adam of Bloomsbury Square. Mr. Comrie answers thus:—"I said not personally, but by reputation I knew him to be a man of very high character. I shortly afterwards called on Mr. Adam—we proceeded to discuss the business—Mr. Adam said his Royal Highness had occasion for that sum, I think he said to complete the payment of some tythes in the vicinity of Oatlands; and that his Royal Highness's Solicitors, Messrs. Farrers, would send me the abstract, which they did. In the mean time I applied to a rich client, who agreed to lend the money. The abstracts were referred to a conveyancer by me, who made some queries. In the mean time the money was ready to be advanced; and the abstracts were returned to Messrs. Farrers to answer the queries; but they were never sent back to me, and the loan was afterwards declined, and Messrs. Farrers desired me to send in my bill."

Here again I think the House will be satisfied that I have been confirmed most positively by Mr. Comrie; a witness called by the promoters of these charges under the express declaration that he was to contradict, not what I had given in evidence, but what I had stated in my speech.

The next matter of which I am accused by the noble Lord is for inconsistency in the evidence which I gave in [illegible] case. Now I must submit to the House that it is not quite correct in the noble Lord, to charge that evidence with inconsistency which is characterized only by want of recollection; there was nothing that should have fixed my recollection particularly to that case, I had very little share in it, and had left town immediately on its commencement, and did not return till its conclusion. I stated to the House in my evidence that until the first witness to it, Mr. Duff, by something he said, and by the description he gave of Kennett, recalled it to my memory, that it had totally escaped me that such a person or such a transaction had ever existed. Mr. Duff's testimony had revived my memory, and when two short notes of mine were put into my hand by the noble Lord, and a short letter written from my residence in Scotland, my memory became more clear; but I cannot say that even now after all that has been said on the subject, that I have any distinct memory respecting it; a circumstance which will not seem strange to those who are accustomed to go through much business; but surely there is nothing in all this nor in any of the evidence which I gave on that subject. that warrants the charge of my having given inconsistent or contradictory testimony on the subject of Kennett's loan.

The next charge made against me by the noble Lord, is, that I gave an inconsistent account of the cause of the Duke's separation from Mrs. Clarke. Here again I am confident that I shall satisfy the House, that the noble Lord's charge against me is without foundation.

The noble Lord said that I put it upon the ground of pecuniary matters, and that it was because her conduct had prejudiced his Royal Highness's name, with regard to money. And when Mr. Lowten and Mr. Wilkinson were called, they did not confirm me in that part of my evidence.

The House will give me leave to observe that I stated the circumstance of money, as one ingredient only in the cause of separation; that I stated the account of Mrs. Clarke's conduct in other respects, which had been the subject of investigation, to be the cause, and indeed to afford the principal reasons for the separation, as they had been the principal grounds of the investigation which had been directed. I submit that when I was asked at different times as to one cause of separation, namely, money, it was not to be supposed, that because I did not repeat every other cause, that I therefore excluded them—it would be hard indeed if witnesses were in that way to be convicted of contradictory testimony. When I stated a single cause in answer to a question applying to that single cause, the other causes must in justice and in common sense, be held to operate in my mind, and to make part of my testimony. But it was said that I was not confirmed by Mr. Lowten and Mr. Wilkinson—the House will recollect that I went through a long examination by an honourable Baronet (Sir T. Turton) on that subject—that he asked me among other things, whether I had ever seen the narrative respecting Mrs. Clarke's conduct, from the time I had caused it to be delivered to his Royal Highness, on the 7th of May 1806, now near three years ago—I said I never had, that I had not had any opportunity of refreshing my memory with its contents, and that I had made no written memorandum of the transaction. I conceived upon that distant recollection of a long paper, that the pecuniary matter must have been contained in it. And here I must beg leave to call the attention of the House to what my conduct has been throughout this anxious, and to me most particularly distressing case. I have been ready, I think the House will do me the justice to say, to answer every question at any moment; but I have myself uniformly abstained from examining the witnesses, except three or four short questions put to Colonel Hamilton, in order to ascertain that he had not had any communication whatever with me, from the Sunday when he told me that the note respecting Tonyn was destroyed, I did not put a question to any witness, during this proceeding, until Mr. Lowten was at the bar; and to him at the close of his examination, I only put three questions, to ascertain whether a certain cause, *Turner* v. *Mary Ann Clarke* had been entered for trial at the Westminster Sitting, after Hilary Term 1806, being the cause in which it appeared that the Duke of York had been subpœnaed. In this situation I thought it my duty to leave that case; and I certainly agree that it does not appear from the testimony of Mr. Lowten and Mr. Wilkinson that I obtained the information respecting the money transactions which were among the causes of the separation; but that my information must have been derived from another source. That my information was correct I shall immediately shew from the evidence of a witness to whom the noble Lord gives the most perfect and implicit credit; and I am astonished after what fell from my honourable Friend near me (Mr. Whitbread) on this very point, that the noble Lord should have made the observations he has made respecting my testimony on this head of the evidence; for my honourable Friend in the course of his very able and powerful speech, referred to a passage in Mrs. Clarke's evidence, which I shall state a little more at large than he did. In page 264 of the printed evidence, Mrs. Clarke is asked,—" Do you know why the Duke of York withdrew his protection from you? —Mr. Adam states that it was in consequence of my pleading my marriage to a bill of £130; but I can prove the contrary to that, as I had done it once before, and he knew it: and the man had sent threatening letters to him, and to the whole of his Royal Highness's family; his name is Charman, a silversmith in St. James's Street.—I have my own opinion of the separation."—"Did his Royal Highness assign any reason for it?—No, he did not; but I guess the reason." "Was it on account of your interferences in Military Promotions?—No, it was what Mr. Adam stated, upon money matters, but not that one of the bill."

So that it is quite manifest that the only error in my testimony, is an inaccurate recollection in the source of my information, which is extremely natural at such a distance of time, and when a reference to the persons employed in some of the most important parts of the investigation was extremely likely to create an opinion or belief that that was the source.

The only other point in which the noble Lord charges me with inaccuracy, is what relates to the account I gave of the Duke of York's declarations as to his correspondence with Mrs. Clarke on Military Promotion.

The noble Lord says that I first admitted that the Royal Duke had corresponded with her on military subjects—that I had afterwards contradicted that, and desired that answer to be altered. Now, Sir, I think here I have some reason to complain of the noble Lord for not stating this transaction exactly as it took place, as that statement I am confident would of itself completely satisfy the House that I had done nothing but what was most perfectly right and fair, according to the most rigid rule, and as long as it is permitted by the course of proceeding in every court in the kingdom, for a witness who makes the application within proper time, to correct his testimony, I must be held to have acted with perfect correctness.

After having been obliged to give a very long answer upon the subject of the note regarding Tonyn's promotion; which is in page 431, and after two or three short answers on that subject, as to what the Duke had said to me regarding that note, the noble Lord put the following question to me.—(It is to be found near the bottom of p. 432.) "Did he (the Duke of York) state to you that he had never written to Mrs. Clarke on the subject of military affairs?"—I answered—"He always stated to me, that to the best of his recollection he had never written to Mrs. Clarke on the subject of military affairs; but that if he had done it it must have been very rarely."

Upon considering this answer it appeared to me to be very inaccurate, because the latter part of it was giving the result which I had drawn from what the Duke said to me, whereas to make evidence correct the fact or declaration should be given for those who are to judge to draw the conclusion; and the evidence should not contain the inference or conclusion of the witness as this answer did. Accordingly as soon as the examination of the witness next called was concluded, I desired that my answer might be read, not to expunge what I had said, but leaving that as it originally stood, to correct it and to leave the whole on the evidence. Accordingly in the next page but one (p. 435) my correction appears. I desired the latter part of the answer to be left out, viz. The words "or if he had very rarely."---The noble Lord immediately asked me---"Did the Duke of York state to you that he did not recollect ever having written to Mrs. Clarke about any military business whatever?"---To which I answered---"The Duke of York certainly stated to me that he did not recollect to have written to Mrs. Clarke on any military matter whatever. He afterwards said that if he had ever written to Mrs. Clarke on any military matter whatever it must have been in answer to some questions put in some letter of her's; and his Royal Highness said expressly that when she once stated something to him early in their acquaintance, respecting promotion in the Army, he said that was a business he could not listen to, and he never heard more of it afterwards."

Now, Sir, what I have to submit is that there is not the least ground in this case, any more than in all the others, for the charge made by the noble Lord; but that the evidence I gave at first was an impression on my mind, a conclusion drawn by me, which was unfit to stand as evidence; that the correction was as instantaneous as the nature of the thing would admit; that it was perfectly correct in point of time and circumstance, and that the manner in which the evidence now stands, is the correct mode of giving testimony of this sort, namely, to give as near as memory will serve, the expressions of the person whose declarations are the subject of inquiry. On these grounds I feel perfectly satisfied that I could not in justice either to the Royal Duke, the House, or myself, permit the evidence to stand in the shape in which I originally gave it.

I trust, Sir, I have now done enough to satisfy the House, and even to satisfy the noble Lord, that my testimony in all the parts of it has been uniformly consistent, and that the observations made on it by the noble Lord are without any foundations. Sir, it is most painful to me to have occupied so large a portion of the time of the House at so late an hour with a matter which though important evidence in the cause, is yet so personal. I have felt much and deeply throughout the whole of this proceeding. It is impossible—it would have been unnatural for me, considering the situation in which I have so long stood with the Royal Person accused, not to feel deeply interested in what relates to his fame, his honor, and his station. Sir, I have besides had the feelings nearest and dearest to my heart torn by the representation of weekly journals, on a subject on which it would be unfit and offensive for me to detain the House; yet I cannot refrain from stating that it has been remarked in those publications that the backs of 1000 men were exposed to the commander of a battallion —that the government of a corps should not be exposed to the heated passions of youth. From these general observations it is natural to conclude that the evils alluded to, namely, severity of punishment and irregularity of discipline, must have prevailed in the particular case in which the promotion is censured; and thus the calumny is spread and gains belief, while I have it not in my power to shew that no corps in the service could boast of fewer corporal punishments than that in question, and that every means from the first entry of that officer to the command, has been directed with a view to promote regularity of behaviour and useful military pursuits, while there has never been any thing like severity of military discipline.

But, Sir, I have to beg pardon of the House for permitting myself to be led by the wounded feelings of a Parent to this allusion, and I will now proceed to examine the question before us, I am anxious to do so with a mind as judicially framed as I can bring to any subject, and if in endeavouring to secure the attention of a numerous and popular audience I speak with more eagerness than becomes a Judge, they will consider the matter and not the manner, and in attending to the mode of reasoning I trust they will pardon the eagerness in which I may announce myself.

If I had been able to address the House after the Speech of the right honourable Gentleman (Mr. Bathurst) and after all those who have spoken until my honourable Friend near me (Mr. Whitbread) spoke, I should have had no occasion to have entered into the question, of how far the Royal Duke was involved in the corruption which

Mrs. Clarke has proved against herself, or in any knowledge of or connivance at that corruption. Because except the speech of the honourable Mover of this inquiry, that of my honourable Friend Mr. Whitbread and that of the noble Lord who spoke last, every speaker on this subject hitherto, has in distinct terms declared that the Duke of York was entirely innocent of corruption, or of connivance at Mrs. Clarke's corruption. But corruption or connivance is now contended for by these three Gentlemen, and therefore it is necessary to discuss the evidence according to that view of the case. But before I enter upon the evidence it is most material to consider the precise nature of the question before the House. The honourable Gentleman who proposed the inquiry, moved an Address, calculated to charge the Duke of York with corruption or connivance and therefore to remove him from his situation; upon that the right honourable the Chancellor of the Exchequer moved an amendment, which is to leave out the Address and substitute Resolutions, expressing first, that it is fit we should resolve as to the guilt or innocence, and secondly, to resolve that the Royal Duke is not guilty of the corruption or connivance with which he is charged; and then he means to follow these Resolutions with an Address which is to convey them to his Majesty, but upon that it is unnecessary at present to say anything.

Since the amendment of my right honourable Friend the Chancellor of the Exchequer, the honourable Gentleman below me (Mr. Bankes) has moved another Address, and the right honourable Gentleman below him (Mr. Bathurst) has given notice of a Resolution which is to free His Royal Highness from any charge of corruption, but to fix upon him the charge of having permitted Mrs. Clarke to communicate with him and to interfere on the subject of Military Promotion. The simple question therefore for the House to consider is whether it is most proper to proceed by Address or by Resolution, and whether the Resolution proposed by the right honourable the Chancellor of the Exchequer, is not the fit Resolution to be come to. It is material therefore in the present state of the question to consider whether Justice does not require that the House should come to a fair distinct question, of guilty or not guilty, and on the determination of that question to build your future measures.

With that state of the question in view, I shall proceed to observe on the Evidence. In considering this case, it is the duty of the House to bear in mind a dogma of one of the most profound Philosophers, and most eminent Lawyers that this Country ever produced: Lord Bacon, I think, says, "In matters of Judgement "do not by strains of art or wit seek to play prizes, but "carry the lanthorn of Justice (which is the evidence) "before your eyes upright to light you to the just con"clusion."

I am anxious to make this the rule and guide of my conduct in this most important and interesting case, but I shall not travel through matter which has been already fully discussed; I shall content myself by merely referring to those observations, which have established the conclusions which I agree to. The numerous contradictions and their effect, which have been stated so conclusively, and with so much perspicuity and ability, by my learned Friend (Mr. Leach), I shall not repeat. The detection of false testimony accomplished so perfectly by the speech of my right honourable Friend the Chancellor of the Exchequer, I should never think of following with any observations of mine to the same effect. As that speech, which was eminent for its eloquence and reasoning, was still more so for the strain of sincerity which pervaded it and rendered it peculiarly impressive, had its full effect with the House. I shall therefore leave all his topicks upon the effect of his speech. But it still remains to be considered what the plan and nature of the testimony is which was to be given, and by attending to its mode and character it will be seen how completely fallacious it is and how it has failed.

Mrs. Clarke was necessarily the principal witness in all the cases: to fix the guilt of corruption on his Royal Highness. But to illustrate my view of the subject it will be sufficient if I consider her testimony, and that which was to confirm her in the three cases of Knight's Exchange, French's Levy, and Tonyn's Promotion. In all of them, and in all the other transactions there is a character belonging to Mrs. Clarke's testimony, most material to be attended to. She inculcated (according to the account of all the witnesses) the greatest secrecy while the business was going forward; Dr. Thynne is enjoined to secrecy, Mr. Knight is enjoined to secrecy, Corry is enjoined to secrecy, and all his papers are directed to be destroyed, Sandon in every letter is enjoined to secrecy. To one who will attentively and impartially consider her situation it cannot fail to appear that her motives for secrecy were of the most urgent nature; she had to conceal her transactions from the Duke to prevent his suspecting them, and to hide from him the objects of her inquiries; she had to conceal it even from her Agents, in case they should discover that she had not the influence with the Duke that she pretended to have; for it is manifest from the whole circumstances of the case, and only contradicted by her declarations, that she had not the means of obtaining the objects which she pretended. The very few instances in all the numerous transactions of the office of Commander in Chief which she seems to have had any hand in proves this; the correspondence with Sandon clearly shews it, and her continuing the transactions after her separation from the Duke, and still holding herself out as having the power to influence him likewise shews that it must have been her object to conceal that she might prevent those she imposed upon discovering her want of influence. All these causes combined to induce her to inculcate secrecy during the progress of the transactions, and accordingly she inculcates secrecy in the strictest manner to every body pending the transaction; this is universal and invariable; it is the result of the testimony of all the witnesses, and of the evidence which arises out of the transaction and documents; yet now when she gives her testimony she would have it to be believed that there was no attempt at secrecy; that her injunctions to secrecy were useless; that the whole was carried on with so little reserve, that it was the subject of conversation at her table, and that it was a matter which she conducted with so little caution that it must have been known to every servant in her house; that she pinned the list of promotions to the curtain of her bed, so that all who could read might read it and tell it to them who could not; this marks such an inconsistency of proceeding, that it is quite manifest that the secrecy inculcated, pending the transactions, was enforced in order to prevent the Duke from coming to the knowledge of the proceedings, to keep her Agents and those she imposed upon equally in the dark, while on the other hand, the publicity, the openness, the disclosure at her table and to her whole family, is now brought forward to this House in order to fix what it is the whole object of the case and of her as the accuser, namely, to use every means to get the

Duke's knowledge of the corrupt part of the transaction to be believed.

This contradiction of testimony between her and the other witnesses, taken in a general view, without entering into particular contradictions, is most important in the consideration of this case, and when coupled with the minute facts and circumstances of inconsistency which have been established against her, shakes her credit to the foundation.

There is another most important view of this subject, as it regards the character of the evidence. Mrs. Clarke is to prove the fact, that Knight's Exchange, that French's Levy, that Tonyn's Promotion, were obtained by her influence; but this by itself is mere interference without corruption, and although this might be supposed to warrant such a motion as has been opened by the right honourable Gentleman (Mr. Bathurst) on which I shall make some observations hereafter; it does not establish the crime of corruption in the Duke of York, which Mrs. Clarke as his accuser was determined to make good; to do that she must make good his knowledge of her corrupt transactions; she therefore is to prove that the Duke knew that she took money. It is perfectly clear that her saying so would not be sufficient to establish by credible testimony the existence of that knowledge, and that taken by itself, in a case where no contradiction could be given to it, where she had such avowed motives for such a charge, and where the whole tenor of the Duke's official duty repelled the inference, it must fall to the ground. The plan of the evidence is therefore to endeavour by corroborating facts and confirmatory proof to give effect to her declarations of the Duke's knowledge of *her* guilt, and consequently to fix *his* guilt. Accordingly in all the cases, more or less, her evidence is attempted to be aided in this way, by confirmatory proof. Now if the corroboration is sound; if the confirmatory evidence is clear and certain, the declarations, absurd and incredible as they are, would have something to support them. Even the declaration which she gave in evidence, that the Duke said "if she was clever she need never want money" might receive some credit and obtain some belief, if supported by collateral and confirmatory facts; but if on the contrary the corroborating facts which are all of her suggesting, all equally brought forward by her the accuser, are unsound, if they will not bear the test but fall from under her, then no credit whatever is to be given to her declarations of the Duke's knowledge of her corruption; on the contrary, all belief of it must be refused, and the whole must vanish as a false fabricated story. Having no basis but that which we all know, and which is true, namely, that Colonel Knight and Colonel Brook exchanged, that Colonel French had a Levy and so on, but that she procured them for the parties, far less that she informed the Duke that she got money for so doing must become utterly destitute of credit, and be rejected as untrue, when it rests merely on her unsupported unconfirmed declarations.

In the first case, namely, the exchange of Colonel Knight, the corroborating circumstances by which she means to give credit to her declaration of the Duke's knowledge of the money transaction, is the slip of paper on which the names were written, and the changing the Bank Note; as to the first of these the slip of paper, my honourable friend near me (Mr. Whitbread) seemed to rely on that as a very material circumstance of confirmation. How (he asks) could she have thought of saying that she received from the Duke the slip with the names of Knight and Brook, given her by Doctor Thynne, if she had not done it. Now to my apprehension there no feature of confirmation; she knew then, she may have heard since that the names were so communicated to her, and it was as easy for her to state that she shewed the paper as that she mentioned the names; but this is not confirmation of corruption, it is at most only confirmation of interference, and as far as it yet goes is quite innocent, except in this last light. To establish the Duke's knowledge of the corruption she introduces the changing of the Notes which she received from Mr. Knight. Now it is very material to attend to the detail of the evidence in this part of the case, and I think it will be found that it is accompanied with such circumstances in the representation of it as to leave it entirely without effect, as evidence of corroboration.

In page 9 of the evidence, Mrs. Clarke says that Dr. Thynne made the proposal to her to get the exchange, and it appears from the Doctor's evidence and from Mr. Knight's, that the object was to get her to expedite the exchange, that she was to have £200 for it, that it was paid after the exchange was gazetted; Mr. Knight thinks in two notes of £100 each sent in the Morning to her. Mrs. Clarke says that she told the Duke they were to make her some sort of compliment, but she does not say what it was to be; but on the Evening of the day on which she received the Money she intimated to him that she had received it and she represents that it was sent in a *Bank note of* £200. Now this representation which differs from Mr. Knight's is very material to be attended to, not because it differs from Mr. Knight's, but because her account of the amount of the Note is most important in considering the truth or falsehood of the story which she brings forward to confirm her evidence and by which she attempts to fix on the Duke, the knowledge of her corrupt dealing. It is farther material to attend to the very words which she uses to establish the Duke's knowledge of her having received the Money. She is asked "after receiving the £200 do you recollect at any time making that known to the Commander in Chief—Yes I do." "When did you mention it to him—The same day." "What passed upon the subject—I only merely said they had kept their promise." "Did the Commander in Chief know the amount of the Money you had received—He knew the amount because I shewed him the note, and I think I got one of his servant's to exchange it for me through his Royal Highness."

Before I observe on the singular nature of this confirmatory evidence, founded on the note being changed by the Duke's means, it is most material to remark, that she states the payment to have been made in one note of £200; that she says she shewed the Duke *the note,* establishing that she shewed him a note of £200, and that SHE got one of his servant's to exchange it, that is, that she in the presence of his Royal Highness got a note of £200 exchanged; a note of that amount is thus said by her three or four different ways to have been the note received of Mr. Knight, and that note so received is fixed upon as the note which was sent to be exchanged. The amount of the note, the time it was to be exchanged, an unusually late hour for such a thing, the mode by which it was procured to be exchanged, are all things which must have fixed the amount, and the other facts distinctly in the memory of the witness if they had been true.

The witness thus makes a first representation of the changing the note and the representation is, "*I think I* got one of his servant's to exchange it for me through his Royal Highness."

Here in the first account of the change of the note, she introduces it in a way to connect it, but not very positively with his Royal Highness. Preparatory to her being to bring it home positively to be his Royal Highness's act, so as to fix him with the knowledge of a £200 bank note in her possession changed by his means and by his order, leading to the inference, that he directed a bank note in her possession to be changed, too large for her to be possessed of, unless by such means as these in question.

The second account of the change of the note, is thus: she is asked, "what time of the year was it;" she answers, "his Royal Highness was going down to Weymouth on the night that I changed the note, which was the reason that I got the note changed; my servant's could not get it changed, and his servant's got it changed for me."

Here it is still one note, and therefore a note such as she before stated it to be of £200, which is to be changed, and now it is stated that her servant's could not get it changed, that the Duke's servant did get it changed, and this is stated positively as a distinct well recollected fact, namely, that a fruitless attempt to get change for a £200 bank note was made by her servant, and that the change was effected by the Duke's servant late at night, "in the end of July or beginning of August." All this is in pages 9 and 10 of the evidence, and is given upon the examination in chief, that is, the first examination. She afterwards on the same evening, in the examination by my learned Friend the Attorney General, on being asked what circumstances respecting the transaction, she had not mentioned to Colonel Wardle, she says, "I did not mention to Colonel Wardle that I shewed *the note* to his Royal Highness, nor did I tell him that his Royal Highness got change for it; *it was for me he got change*; he was going out of town at

1 o'clock, and I at 4, and I wanted the *change to leave* some with my servants in Town, and some I wanted with me." Here again the note is represented as one note, and must be of £200 as stated before. Here again it was represented that it was changed, and in very peculiar terms, for it is represented here that his Royal Highness got change for it, and got change for it for her, so that it may not be mistaken, but that it may be taken as a firm undoubted assertion that his Royal Highness was the person to order or direct the change to be got for a £200 bank note, at a late hour, by his own servant, her servant having failed to get it changed for her, thus meaning to identify his Royal Highness with changing the note got for procuring the exchange for Colonel Knight. It must therefore be taken that in her first examination she gave clear distinct unhesitating testimony, that his Royal Highness procured a bank note of £200 to be exchanged for her at a late hour in the end of July, 1805.

In the close of her evidence, on the first day, p. 19, in answer to a question whether it was the same day, (meaning the day she was paid the money by Mr. Knight) that she desired the Duke to get the note changed for her, she says, "I did not desire his Royal Highness to get it changed for me, he wished it himself, as I could not do it." This closes the evidence respecting the changing the note, on the first day of her examination,---and again leaves it as the note orignally spoken of,---a £200 Bank note,---and is meant to fix the getting it changed as the act of his Royal Highness.

There is one other question put relating to this matter, which may as well be observed on now; she is asked "what was the name of the servant by whom the note was changed?"---she answers, "I do not know---I am sure it is a very unusual thing to ask servants their names."---Now, Sir, it is impossible to pass over this answer without observation; and it is as well, as it falls in the way, to observe upon it now. Does it not characterize the testimony of this witness, and shew that her mind is disposed to evade the truth, by avoiding an answer to the question? Would any one conclude from this testimony that there was but one servant of the Duke of York's who ever went to Mrs. Clarke's house? yet that only one servant of his Royal Highness ever went there is established to be the fact, not only by the evidence of that servant, but by the concurring testimony of Mrs. Clarke's servants. How the name of Loudovick, the Duke's servant, who alone attended his Royal Highness in Gloucester-place, could be unknown to Mrs. Clarke, it is difficult to conceive. But it is easy to find a reason to account for her desire to hold out by her answer that more than one servant of his Royal Highness attended there, and why she wished to avoid giving a direct answer as to the name of the servant who was said to be employed in changing the note.

I now return to the subject of changing the note, and I have to request the attention of the House to this; That having stated four accounts of the changing of the note,---all referring to a note of £200, and all intended to establish that the Duke interfered to get the note changed, knowing how she had got it;---that it was got changed by his servant, and by his order. There is next to be considered a fifth account, which appears in p. 108 of the Evidence, which was given in her examination. It was on Thursday, the 9th of February. The question is material, it is this,---"You stated, on the first day of your examination, that a bill of £200, which you received from Mr. Knight, was sent from your house to be changed by a servant of the Duke of York;---how do you know it was taken by a servant of his Royal Highness, and not one of your own servants."---Now mark the answer, and bear in recollection, that on the first day of her examination she represented it thus: "*My servant could not get it changed---his servant got it changed,---his Royal Highness got change for it,---it was for me he got it changed.*" These are the answers she makes on the first day. But now in her fifth account in answer to the question of "how do you know it was taken by a servant of the Duke, and not one of your own," she says, "*I believe that I did not state that it was his Royal Highness's servant who took it, but that his Royal Highness had something to do with changing that note.*" Can there be a more palpable direct deviation from her original accounts given on the first day, from the impression attempted to be made by her testimony on the first day, and that which she now states? She now wishes to have it believed that his Royal Highness had only something to do with it, whereas before his Royal Highness got change for it,---she now believes that she did not state that it was his Royal Highness's servant who took it, whereas before she stated, and the whole import of the evidence rest on it, that it was his servant who took it to be changed; and she even assigned as a reason for his servant having taken it, that her servants could not get change for it. Can any thing be more decisive than this as to the credit of this witness?---can any thing establish more conclusively that the evidence of confirmation set up to support her testimony in this case falls from under her, and that it rests upon her own incredible declarations only, that all her transactions in these matters were made known to the Duke. But when it is discovered that there is a direct motive for this change of story, and for this contradiction in her evidence, when it shall, as it does, appear from what follows, that there is a motive for this change, the strength of the observation against her testimony is greatly increased.

When she gave evidence to this point on the 9th of February, she had learnt that her story would not be confirmed by the testimony of her butler, Pierson; she had seen that witness on the Saturday, or the Monday, after her first examination, and had got an account from him that he was the person who had gone to change the note,---that the Duke, according to Mrs. Clarke's account of Pierson's story, desired him, Pierson, to go to Stephen's, in Bond-street, his wine-merchant, to get the change. It became necessary that her evidence should be made to fall in with his account, and accordingly she says, that she "believes she did not state that it was his Royal Highness's servant who took it, but that his Royal Highness had something to do with it,"---an account which coincides with what she says she had learnt from Pierson, but directly contradicts what she herself had before said, to render the transaction respecting the change of the note confirmatory of her declarations as to the Duke's knowledge of her receipt of money for military promotion. Now the accounts given by Pierson, and that given by her, as Pierson's account to her, even if true, do not confirm her in her declarations. She says, Pierson called it a £50 note; but in her evidence she has always referred to a £200 Bank note, and no other. Pierson, on his first examination, p. 66, says, that the note which Loudovick changed, was changed in the morning, not the evening; that it was given by the housekeeper; and that it was some morning, a little time before Mrs. Clarke went to Worthing, in 1805. When asked if he saw a note given to Loudovick to change in the evening, he says, he did not. This evidence, therefore, cannot avail But he is called back on a future day, it being represented by the honourable Mover of these charges that on his first examination he had laboured under a head-ach, which deprived him of his memory. In p. 147 he has his former evidence read to him, and is asked if he has any alteration or addition to make to it, he says, "no alteration;" and then goes on to say, "one night that the Duke of York went to Weymouth, about eleven o'clock I was sent out to get a bill changed; I went out and got it changed, and brought it in to Mrs. Clarke, who looked it over and said it was all right. The Duke was present when I received it from Mrs. Clarke and gave it back to her." In p. 148 he says, "he thinks it was £100, but is not certain. That he got it changed at Byfield and Bridgeman's, confectioners,---Mr. and Mrs. Bridgeman changed it,---that he went to Stephen's, in Bond-street, and they could not do it for him." Here is not one word of the Duke directing him to Stephens's, nor any evidence of his Royal Highness interfering, or having any thing to do with it, further than being present.

Mrs. Bridgeman is called, and in p. 271 she says, "she remembers Pierson calling in the end of July, 1805, with a note; she cannot recollect exactly what passed, *but she did not change the note*. She did not see the note, but thinks he said it was £100." Loudovick in his evidence proved to be the only servant of his Royal Highness who ever attended him in Gloucester-place, says, that he never was sent with any note to change from Gloucester-place. So that this confirmatory evidence to support Mrs. Clarke's declarations of the Duke's knowledge of her guilt is reduced to nothing. The £200 note turns out not to be a £200, but a £100 note; and according to Mrs. Clarke's own account of [illegible], a £50. The order of the Duke [illegible] to get changed what her servants could not get changed, proves to be without foundation. Whatever note was carried, was done by her servant, not by the Duke's,---by her orders, not by the Duke's; and where it was changed, or whether it was ever changed does not appear. It is clear, from Pierson's evidence, that it was not changed at Stephens's,---and it is clear from Mrs. Bridgeman's evidence that it was not changed by her.

The main confirmation brought forward by her to support her evidence being thus in the end absolutely given up and controverted by her concluding declaration, it seems unnecessary even to refer to the contradictions which have been so incontrovertibly established by my learned Friend, (Mr. Leach.) I should not therefore, even allude to what she said with regard to the time of her application to the Duke for the exchange, were it not important to observe, that when she differs as to the time, from Mr. Knight, and Dr. Thynne, that the time she fixes for having made her application is material, because it proves her determination to ascribe a time near the gazetting, in order to shew the influence she possessed, and with what dispatch she promoted the exchange; but in doing so, she fixes on a day, unfortunately, subsequent to that on which it appears by the official documents that the exchange was accomplished.

The knowledge, then, which the Duke of York had of her share in this transaction is reduced to her mere declaration, unsupported by any other testimony of any kind; and as she is discredited in the very circumstances which she brings forward as corroborative, there cannot be any conclusion of guilt, or of a guilty knowledge or connivance on the part of his Royal Highness.

I come now to the confirmatory, or corroborative evidence, in the case of French's Levy, and I think I shall be able to shew, that that evidence is equally ineffectual, as to the proof of the Duke of York's knowledge of the corrupt transactions respecting it; and that the payment of money for that Levy by French, or Sandon, to Mrs. Clarke, was never known to his Royal Highness. The evidence of confirmation in this case consists---*First*, of the manner in which the Levy was disbanded, or put an end to,---*Secondly*, in the circumstance of the plate having been bought from Parker by her payment of £500 of that money, as part of the price of it, and that the remainder of the payment, the Duke knowing this first source, was paid by his Royal Highness,—*Thirdly*, the conversation related by Miss Taylor.

The first of these grounds arises out of the documents, and does not originate with Mrs. Clarke. The two last originate entirely from her, and under circumstances such as will receive, when I come to them, observations which I conceive to be of the utmost importance in order to destroy this testimony, and to shew that it falls from under her. As to the first it has been observed by my honourable Friend (Mr. Whitbread) and by the noble Lord who spoke last, that the unwillingness with which the Duke put an end to the Levy, and the gentle terms in which he expressed himself when he did disband it, are strong circumstances to prove that he knew of the benefit which Mrs. Clarke derived from it. In this part of the case there are many observations to be made which I shall omit, because they have been already made, and as I think, conclusively; I shall confine myself merely to the facts which relate to the Levy being put an end to.

It appears that representations came from Dublin early in January, 1805, respecting the impediments to the recruiting the Levy—that his Royal Highness immediately ordered an inquiry into it—that this, however, did not prevent the Commander in Chief from directing General Whitelocke to communicate to Colonel French his determination to discontinue the Levy, unless a very considerable increase should take place in the numbers recruited. General Whitelocke's letter is dated the 2d of February, 1805, and appears clearly to be in obedience to the Duke of York's commands. Here there is evidence that his Royal Highness had taken steps to announce the eventual discontinuance of the Levy. This at least is no proof that he was apprehensive of any discovery. The correspondence afterwards with Mr. Kirkman takes place, and by a letter dated 14th of April, from General Whitelocke to Colonel Gordon, which must have reached the 15th, the conduct of the temporary serjeants in London, is represented as disgraceful. On the 16th of April, 1805, (No. 20 of the Appendix,) his Royal Highness writes to the Secretary at War, that his Majesty had been pleased to approve of the discontinuance of the Levy which he had recommended to his Majesty. It is contended that the manner in which his Royal Highness expresses himself is so gentle, that it indicates a knowledge of the corrupt practices which existed between Mrs. Clarke and Colonel French. On this I have to observe,—*First*, that the letter of his Royal Highness contains impressions conformable to the letter on which he acted.—*Secondly*, that it seems most extraordinary that more should be required than the act of discontinuance—that act constitutes the real substantial injury to French. The corps had been a most losing concern to him. He had paid a large sum to Mrs. Clarke, and was left in debt to his agent. The continuance of the corps might have relieved him—the discontinuance ruined him. It was the act of discontinuance, therefore, that he must have felt; and it was that act, if the Duke had been apprehensive of discovery, which he must have resisted and avoided—yet he stopped the Levy the very day after he received Whitelocke's letter. The language, therefore, which he used to the Secretary at War in his official letter, could not operate as an alleviation in the mind of Colonel French for such an injury, and the mere fact that the Duke did discontinue the Levy is of itself sufficient to shew that he did not act under any apprehension. But, Sir, the whole tenor of the conduct of his Royal Highness shews, that he had no apprehension for any discovery in any part of his conduct. When he separated from Mrs. Clarke, when upon a full knowledge of her character from the written report which I conveyed to him, his mind was satisfied, he took his determination with a firmness—he suppressed his affection with a resolution quite inconsistent with the fear of discovery. When she attempted to renew the intercourse, he was equally firm in withstanding it. In the non-payment of the annuity there is again proof of his acting from motives which shewed no fear of a discovery of any knowledge, on his part, of her corrupt conduct. The same conclusion is to be drawn from the conduct of his Royal Highness when I communicated to him her letters of June, 1808, which contain a direct threat of discovery, and that it amounted *to something serious*. From the time that these letters were written, whatever might have been the wish, or inclination, respecting the annuity before that period—whatever might have been proper to have been done in it, it became impossible for his Royal Highness to act otherwise than he did. He shewed no inclination whatever, as I have stated in my evidence, to give way to that threat, and no fear or apprehension of any thing that she could communicate. The Royal Duke certainly never shewed any inclination by acting the unbecoming part of compromise, or settlement, in consequence of that threat. And his Royal Highness, I trust, knew me too well to suppose that I would have been the agent in such a transaction, if he had been so inclined.

On the whole I cannot help being clearly of opinion, that there was nothing in the Duke's general conduct which denoted a fear of discovery; and that in the particular instance of discontinuing the Levy, the language in which it was conveyed does not afford an argument to that effect, especially when put against the act itself, (which was the real injury) which had been long resolved upon; and the resolution having been announced two months and more before the accomplishment of it, gave room for such communications as might have excited apprehension if there had been guilt, yet nothing of the kind appears.

I now come to the question of the purchase of the plate, and the corrroboration supposed to be derived from the mode in which it was paid.

This testimony was opened by the honourable Gentleman on the day on which he preferred his charges, and must have proceeded distinctly from the information of Mrs. Clarke. It was meant to shew that the Duke of York knew of the first payment for the plate being made by Mrs. Clarke; and that he knew that it was made by money derived from French for having promised him his levy, that the Duke by paying the balance must have known the source from whence Mrs. Clarke derived the money, which made the first payment. In order to shew how fallacious this part of the confirmatory testimony is, it is necessary to examine the account, and to discuss the evidence which relates to it. The account is in page 129 of the evidence. The sum total at the debit side is £1821 and a fraction. The first payment on the credit side is £500 said to be paid by Mrs. Clarke from French's money. Now it is material to observe, that this payment was made on the 18th of May, 1804; from whom it comes does not appear on the face of the account, only that the account is entitled as the account of Mrs. Clarke.

The next payment is £200 the 12th of July, by a bill at two months, but whose bill does not appear on the face of the account; but it is to be remarked, that there is a long interval between the first and second payment, consequently whatever connexion the Duke of York may have with the second payment, there is no necessary connexion between the first and the second, from which to infer, or even to conjecture, that he knew any thing of the sort. Having made these observations, respecting the account, I must now turn to the evidence of Mr. Dockery, page 218. That witness is asked "Whether he knows that the plate was sent to Gloucester-place for the inspection of the Duke of York and Mrs. Clarke:" he answers, "Not to my recollection." "Whether he recollects the Duke of York and Mrs. Clarke going to Birkitt's to examine the plate," "No."

There is then no evidence whatever of the Duke of York having ever seen the plate in company with Mrs. Clarke, or any evidence of his having ever seen it at all.

The witness is next asked as to the payment of the plate. He says, £500 was paid when delivered, the remainder was settled by bills at different dates. He does not know by whom the £500 was paid: but it was paid in two notes of £300 and £200.

The evidence then is entirely defective as to who paid the money; and whoever paid it, there is not the smallest proof that the Duke of York was privy to its payment; nor is it to be inferred, or conjectured even, that it was known any how to his Royal Highness that it was paid on account of the plate; and the account is not one to which the Duke of York had any access, or with which he had any privity.

The witness then says, "That the bills by which the remainder was paid, were drawn by Mrs. Clarke upon the Duke of York; and that they were afterwards paid by the Duke by drafts on Coutts and Co.; that he offered the bills to the Duke as they became due, but that his Royal Highness never spoke on the subject of the service."

From this then it appears that the Duke, as the bills became due, gave orders for them, but that he attained no knowledge of the transaction by any conversation with the witness, and there is no evidence of his having obtained any from any other quarter, consequently all that can be said to have been known by his Royal Highness was, that he was to pay bills for a service of plate to the amount of something more than £1300. Here it is necessary again to turn to the account. From the debit side of the account it appears that the value of the plate was £1363; and from the credit side of the account it appears that the Duke paid £1321; the other part of the account relates to the other matter with which the Duke had no connexion; and whether the £500 was specifically applied to the plate, or not; or whether the Duke was thus taken in to pay what remained due of Mr. Birkitt's bill, of a different date from the service of plate. The first on the 16th of May, the other, the 16th of June, is of no importance in the present consideration. The question here is, as to the Duke's knowledge of the £500 having been paid for the plate in part, and having been the £500 paid by French to Mrs. Clarke. First, then the £500 being French's money is not made out, nor is there the slightest evidence that it was French's money. Secondly, £500 being paid at all for the plate, to the knowledge of the Duke of York, is not made out. The only thing that is made out is the payment of an account equal to the service, by the Duke, and therefore his knowledge of the payment of the £500 being paid for the plate is negatived; and thus this piece of corroboratory evidence, ushered in with so much particularity by the Mover of these charges, and suggested to him by Mrs. Clarke, falls from under them, and leaves the case on her unsupported assertion, unless the evidence of Miss Taylor is to be considered as conferring that support on Mrs. Clarke's evidence.

But, Sir, before I leave this question of the plate, I must request the attention of the House to a collateral matter introduced by my honourable Friend, (Mr. Whitbread.) My honourable Friend in a very eloquent passage of his speech, endeavoured to impress a sort of lesson of political morality on the House, mentioned that this plate was the Duc de Berri's plate, a prince of the monarchy of France, who had been driven by the misfortune of revolution into this country, and by necessity had been obliged to part with this service of plate: and he seemed to infer from his statement, and from the lesson which it might teach, as if the Royal Duke had known and permitted the plate of the unfortunate Duc de Berri to become the property of Mrs. Clarke. Now, Sir, I do feel extremely anxious to remove the possibility of such an impression in addition to all the other unfavourable views that are now endeavoured to be attached to the character of the Royal Duke. His having given this plate to such a person, with such a knowledge, is a thing he is incapable of; and by looking at the evidence, page 247, it appears that the witness who states it to have belonged to the Duc de Berri, states in the answers which immediately follow, that the Duke of York never saw the plate, or knew to whom it belonged.

I shall now endeavour to discuss the subject of Miss Taylor's evidence, in a manner that I trust will not raise a prejudice against me, even by those who are the most anxious to protect Miss Taylor. I am aware how ineffectual it is to attempt to do any good with any tribunal, especially with a popular tribunal like this, by counteracting their prepossessions. I see that in many there is a prepossession in favour of Miss Taylor, or rather a prejudice against the manner in which she has been cross-examined, and in which evidence has been brought to discredit her. Without admitting that these prepossessions are well-founded, but on the contrary, considering the course taken as perfectly legitimate, I do not feel it necessary for my argument to call that course in aid. The noble Lord (Lord Folkstone,) has told us, that Miss Taylor has suffered cruelly in consequence of what passed in this House respecting her. If that be so, I say sincerely, that I am very sorry for her sufferings; but I cannot therefore agree, that the rules of justice are not to be followed out, that witnesses are not to be detected, that they are not to be traced in their lives and connections, and that their evidence is not to be commented upon, whatever the consequence may be. It is a misfortune, but it is one in which all of us in our turn must be liable for the sake of justice. The noble Lord, who commiserates Miss Taylor, does not think therefore that he should abstain from the most severe observations on other witnesses. He attacks, without reserve, the official veracity and the correctness of Colonel Gordon's testimony, (a witness above all exception,) without consideration as to the effect it may have; and in doing so, he does his duty, when he makes the observation which his conscience justifies, and his judgment dictates. But while I say this in defence of justice, I do not require it to serve me in the course which I shall take in discussing Miss Taylor's evidence.

In my view of it, her character, her course of life, her connexions, shall not have a single observation made upon them.

On this subject I beg the most serious attention of the House, as I conceive it, in the view I take of it, to be one of the most important features in this most cruel, most extraordinary, and unprecedented case.

The nature of the evidence which Miss Taylor has given, is well known to the law; upon which it will appear that much doctrine of great importance is to be found. It is in ordinary criminal cases known as evidence of confession. In other words it is the verbal declaration of the party, brought against him to convict him; and, though admissible, is invariably considered as the slightest and most ineffectual of all testimony, unless supported by a strong foundation of fact, that is, by the *Res Gestæ*, and without such support is not permitted to have any influence in any case civil or criminal. Now, before I cite authority on this subject, permit me to state some principles and rules which govern in matters of evidence of this nature. If I were asked what *legal demonstration* is, I should say that *legal demonstration* is that evidence, in which, if the witness speaks true, the fact to which he speaks must be true. That it is the highest evidence which human affairs admit of from the testimony of witnesses. Thus an event, which happens in the sight of the witness must be believed to be true, provided the witness who proves it is a witness of veracity. In proportion as the matter to be given in evidence fall short of that character, in the same proportion (however pure and credible the witness) the testimony falls short of *legal demonstration*.

And in the same proportion the conviction to arise from it diminishes. Now the evidence of *verbal declaration*, of words spoken, or conversations held, is directly the reverse of that which I have termed *legal demonstration*, for in all testimony of this kind, the witness may be the witness of perfect truth, and yet the fact to which he speaks may not be true; nay, it may be perfectly false: or, to speak more correctly, it may be true in the conception and belief of the witness, according to his recollection, and yet in fact different, and give an impression perfectly different from the words spoken.

There is another character belonging to this species of evidence, very material to be attended to, namely, that it is impossible to contradict it. It is a declaration in words, and all that can be said by any other witness, than the witness who proves them, is, that he did not hear the party speak them. When two persons are present to see an act done, you can have contradictory proof. The negative can be proved; but in the case of verbal declaration, the negation cannot be established: it is remarked therefore by all law authors on this subject, that the witness to confessional evidence, or verbal declarations cannot, in those Courts where oaths are administered, be indicted for perjury. Accordingly, Mr. Justice Blackstone in his Commentaries says, "Words "are the weakest and most suspicious testimony, seldom "remembered accurately, or reported with due precision, "and incapable in their nature of being disproved by other "negative evidence." That incomparable judge and writer, who at once breathes the spirit of liberty and justice, Mr. Foster, of whom it was truly said, that his works would last as long as the constitution of England should endure, says, "Words are transient and fleeting "as the wind, easily misunderstood, and often mis"reported; whether through ignorance, inattention, or "malice, it mattereth not to the defendant, he is equally "affected in either case; and they are extremely liable to "misconstruction; and withal this evidence is not in the "course of things to be disproved by that sort of *negative* "*evidence* by which the proof of plain facts may be, and is "so often confronted. Hasty confessions made to persons having no authority to examine, are the weakest "and most suspicious of all evidence; as proof of them "may be too easily procured, and cannot be by any "means contradicted."

If these doctrines and principles are applicable to any case, I am sure it must be allowed, that they are applicable to that under consideration; for a case of verbal declaration more fraught with every circumstance which leads to the disbelief of its accuracy never was attempted to be brought before any tribunal.

First of all, it will be recollected, and I beg the attention of the House to this most important observation, that the testimony given by Miss Taylor; her confirmation of the evidence of Mrs. Clarke; the existence of such a person, or of such a proof was never hinted at by the Mover of these charges, when he opened them; nay, it appears that it was not only not known to that Gentleman, but that it could not be known to him, and that it has been thought of and discovered by Mrs. Clarke since the charges were brought, and yet this was a charge in which corroborating evidence had been thought of before hand, but was made to rest at the opening upon the payment for the plate, and on that alone. Another proof that no confirmation by Miss Taylor was then thought of.

Dates here are of the greatest importance. The honourable Gentleman made his opening speech on the 27th of January. The evidence was opened on the 1st of February. Miss Taylor, page 472, in her second examination is asked, “Did you at any time afterwards have any conversation with Mrs. Clarke relative to the observations of the Duke of York upon Colonel French’s business.” “Not till within three weeks or a month.” “What was the conversation you had at that time.” “She asked me if I recollected the Duke of York mentioning Colonel French’s name in my presence. I immediately recollected the circumstance and told her.” She says this passed within three weeks or a month. A month will carry it to a day or two before the time of the opening; three weeks will carry it to the day of the evidence beginning. Now is it probable, nay, is it possible, if a piece of confirmatory evidence, so relied on as this, had been known at the time of the opening, that in the intercourse between the honourable Mover and Mrs. Clarke it would not have been known to him, and if known, that it would not have been stated.

What I have to remark on this evidence, is first, the different manner in which she proves the different parts of the conversation. The first branch she speaks of most positively. She says, “The Duke’s words were, as nearly as I can recollect, ‘I am continually worried by Colonel French; he worries me continually about his levy business, and is always wanting something more in his own favour.’ Then turning to Mrs. Clarke, I *think* he said, ‘how does he behave to you?’ She said, ‘middling, not very well.” Being desired to relate the rest, she says, “the Duke said, ‘Master French must mind what he is about, or I’ll cut him up and his levy too.’ That was all he said.” Now, Sir, it is clear, that the middle part of the conversation is that which infers guilt; the first part and the last part are perfectly innocent, might have been spoken at any time, and before any body: and may be admitted to have been spoken by the Duke of York without prejudice. It is remarkable that she asserts the first passage of the conversation with a very firm recollection, and she recites the last part with perfect confidence; but she interposes a most material term of qualification where she introduces the second, which is what the whole turns upon. She then says, "I *think* the Duke said, how does he behave to you." This part of the conversation, the shortest branch of it, the easiest recollected, the most likely to be impressed upon the mind, because it is that which disclosed or confirmed the guilty knowledge, consisting of a few words she speaks of with doubt and hesitation. She introduces it with I *think*: she is afraid of being too certain: she speaks like a person who had something infused into her memory recently, which had not been there before; but in the long passage which precedes it, and in the passage which follows it, she introduces no such qualification. Now observe, when this conversation is said to have passed. It must have passed, if it passed at all, early in the spring of 1805, for the levy was put an end to on the 16th of April, 1805; that is very near four years ago. Now, if the principles which I have laid down; if the doctrine which I have derived from the most pure legal sources are well founded as to recent declarations, as to words spoken within a short time and under circumstances which excite accuracy of recollection; they are much more suited to affect the credit due to an account of words spoken at a very distant period under no particular circumstances, not likely from any cause ever to have been called up in the witness's memory, and never brought to her recollection by any conversation, or any other course, until three weeks before the evidence is given, and then brought to her recollection by Mrs. Clarke, after the accusation had been instituted, and while it was proceeding; when the impressions arising from the proceedings were calculated to mislead the witness, and to induce the accuser to create or encourage a false impression. But this is not all; the manner in which this is brought out, I mean the manner in which Mrs. Clarke's reminding Miss Taylor is brought to the knowledge of the House is most material. Miss Taylor is examined on the 9th of February, the first time. She then gives an account of the conversation, but there is not in that day's evidence one word of her having had any conversation with Mrs. Clarke upon the subject. On the 22nd of February she is examined a second time; and being asked, "If at any time afterwards she had any conversation with Mrs. Clarke relative to the Duke's observation on French's business." She answered, "Not till within these three weeks or a month. That Mrs. Clarke asked her, if she recollected the Duke of York mentioning Colonel French's name in her presence; and she said I immediately recollected the circumstance and told her." And she there goes on to say, "that she does not recollect what Mrs. Clarke said upon it."

Here then there is distinct evidence of two things, most important in the consideration of evidence of this description. First, that during all the intermediate period that passed, now three years and eleven months ago, she never had mentioned it to any body, that even at this time, that is three weeks or four weeks since, she does not suggest the subject from her own memory. But it remains there, dead and inanimate, until it is revived by a question from Mrs. Clarke. Is evidence to a verbal declaration, which passed in a conversation at such a distance of time, likely to be correctly what passed at that time; or more likely to partake of the character which would be given to it by the person who received it? Can evidence, the most weak and uncertain, the most discouraged for that reason in all criminal proceedings, be held sufficient, in any respect, to fix guilt, of so mean a sort, upon such a person as the Duke of York; or could it be permitted, in any case, in any Court, to have the least influence as confirmatory testimony. But there is still something behind, still farther to destroy the effect of this weak and most suspicious of all evidence. On the day on which Miss Taylor was examined last, the 22d of February, Mrs. Clarke is likewise examined, and she was examined before Miss Taylor; so that Mrs. Clarke could not then know what questions would be put to Miss Taylor. It was, therefore, her object, conformably to the plan of the evidence, to give the utmost belief to the Duke's free communications in the presence of Miss Taylor. Mrs. Clarke is asked, "If, in the presence of Miss Taylor, the Duke of York and yourself ever talked of military promotions?" To which she answers, "I am sure I cannot say; the Duke was very fond of Miss Taylor, and he did not mind what he said before her." Now, *first* of all, it is a little singular that a person who, within three weeks or a little more, had reminded Miss Taylor of French's levy, should have so little recollection of what the Duke had said before Miss Taylor. In the next place, it was calculated to produce an impression, that the Duke was very open before Miss Taylor, even on military subjects, and that he saw her often, and familiarly. Yet, in the course of the same evening, Miss Taylor, who gives the evidence already stated, respecting the being reminded by Mrs. Clarke of the conversation respecting French, represents herself as having never heard Mrs. Clarke and the Duke of York converse on military promotions. And, in another part of the same testimony, she declares, that she has no memory of any thing that passed in the conversation three weeks ago upon the subject of this conversation which passed nearly four years ago; and yet she recollects with presision, at this distance of time, the terms and words of that conversation. Now, without imputing to her in this argument any thing that affects her veracity, giving her credit at present for having been in the Duke of York's society at Gloucester-place, (though Mrs. Clarke's servant, Pierson, the butler, who was always in attendance when the Duke was there, says that Miss Taylor never was there,) giving her credit for a regard to truth, as far as her memory will serve her, I conclude, and with confidence too, that the criminating part of this confirming testimony cannot be taken to be true. It comes at such a distance of time, from a witness who recollects so little of what has passed recently, with impressions made upon her mind so calculated to give it a bias, that though the witness may, according to her confession, *speak true*, the declaration which she states *cannot be true*, but must fall within all the exceptions which I have taken to this sort of evidence, and for which I have cited the greatest authorities.

There still remains behind however some evidence upon this part of the case, which has not been touched upon by any person who has yet spoken, which seems to bear very strongly on the credit due to the memory of Miss Taylor, and which likewise strongly affects her credibility in point of veracity. In the evidence of Miss Taylor given the first day of her examination, she is questioned particulary as to the time when this conversation took place, and she says it was at the time that she removed with her father's family from Bayswater to Islington. In order to ascertain when this was, it will be necessary to look particularly to the evidence which she gives as to her places of residence. In page 123, she says, "I lived at Chelsea from last Michaelmas twelvemonth."

This carries the commencement of her residence at Chelsea to Michaelmas, 1807; she lived at Kentish-Town immediately before that, and she says, "I lived there not three quarters of a year." This carries the commencement of her living there back to Christmas, 1806, at farthest; she had gone from Islington to Kentish-Town, and she is asked how long she lived at Islington; she answers "a little more than a year." This would carry her beginning to live at Islington, and her leaving Bayswater, back to Christmas, 1805, or a little before that period; however, when she is asked again about the length of time she resided at Bayswater, she enlarges the time. The first question is, page 124, "How long did you reside at Islington?" "A little more than a twelvemonth." "How much more?" "Seven or eight months." Now seven or eight months seem an odd explanation of little more than a year. But suppose this to be correct, though I knew it not to be so, and that it will be impossible to prove that she remained at Bayswater longer than Michaelmas, 1805; the eight months, a tolerable stretch for a little more than a year, carries it back to the month of May, 1805. Now the levy was discontinued on the 16th of April, 1805; the notice of its discontinuance, was on the 2d of February, 1805; consequently, the conversation, to be true, could not have passed later than the interval between the 2d of February and the 16th of April; and the time which Miss Taylor assigns for having heard it, after stretching that time to the utmost, explaining a little more than a year by seven or eight months, fixes a time for it, after the levy was at an end. If this is to be taken as a correct account of the time, it is fatal to her veracity; if it is to be considered as erroneous, it is fatal to the correctness of her memory. In either case, it is destructive of her testimony, as to evidence of the description in question, which, to be available, must come from a mind capable of clear and accurate recollection, so as to insure to a certainty that the words repeated were the words spoken; whereas, we have here an additional instance (to put it in the most favourable light), of the vagueness of her recollections. On these grounds, Sir, the conclusion which I draw is, that the evidence to corroborate Mrs. Clarke, in the case of French's levy, completely fails; and that this case again rests upon Mrs. Clarke's unconfirmed assertion, and upon that the Duke of York cannot be held to be guilty of participation in, or a connivance at, her corrupt dealings, considering the nature of that testimony, and the influence which dictates it.

I come now to the matter of Tonyn's promotion, and having consumed so much time, at so late an hour on the other subjects, on this I shall be extremely short. If this case had stood as it did at first, no question could have been made to involve the Duke of York's criminal knowledge of Mrs. Clarke's receipt of money. It then rested merely on her assertion, and the documentary evidence which, proving the nature and circumstances of the promotion, completely controvert any conclusion injurious to the Duke. But the mysterious note, as it has been justly called, gives a colour to that charge which makes it necessary for me to say a word or two upon it. With regard to the hand-writing of the note, it would be indelicate in me, having been one of the witnesses on that subject, to say a word; but supposing it to be the hand-writing of the Duke, I submit that there is nothing to connect it with pecuniary guilt, and that there are circumstances which render it impossible so to connect it. The note from Mrs. Clarke to Sandon, received the 17th of August, 1804, shews that she had not taken any such mode of stopping the promotion, but if she had taken any, she took it in conversation; and that she had no means of accomplishing it. Now the cover which accompanied the note, as Sandon states, is dated 23d August, and as the promotion was then both made and published in the Gazette, it was too late, by that means, to have been of any use. It must apply, therefore, if applicable at all, to some point of time which does not suit the money transactions, and is to be placed as proof of mere interference. In that view, it falls within that head of the subject which is proposed to be taken up by the right honourable Gentleman on the floor (Mr. Bathurst), to which I shall now take the liberty of calling the attention of the House.

The proposition of the right honourable Gentleman is ushered in with a positive declaration of the Duke's innocence, as to all pecuniary corruption, either by participation, knowledge, or connivance: but he considers it necessary to resolve, that there has been a dangerous interference in matters of military promotion by Mrs. Clarke, and this ought to be particularly marked by the House. It is impossible, Sir, to consider this in any light, but one as a motion to remove the Royal Duke from his office, as Commander in Chief: because, certainly, if the resolution which he proposes were to pass, his Royal Highness could not remain in office under such a stigma. The question then is fairly this: are the three cases of interference, which are said to be proved, and there are but three, enough to warrant such a proceeding, when taken against the whole strain and tenor of his official life. There is the case of Tonyn's promotion, which the note may be said to bring home to his Royal Highness, as a mere matter of interference. There is the case of the letter about Clavering, from which it appears, that she wrote to him, and that he answered her, and did not find fault with her for writing to him on military appointments. But, farther than this, it proves nothing; for the terms of the answer set aside the application; and, lastly, the case of that poor young man, Carter, whose case seems as it were by unanimous consent to have been given up from pity, and which in mercy should never have been brought forward at all; a case in which the application had been made by an officer, at a former period, and whose natural son General Rochfort represents Carter to be; whose letters prove his education to have been excellent, and that he has been only brought back to a rank in life from which he had been driven by misfortune, and by the poverty of his real and reputed parent. Sir, I have been no adulator of the Royal Duke; whenever my duty has required it, I trust that I have stated, with the respect due to his rank, but with the firmness due to truth, and to an honourable discharge of my duty, what appeared to me to be fit and necessary. I trust that I shall not now be considered to flatter, when I say, that it would be strange indeed, to visit such services as the Duke of York's, for such and so few causes of improper interference, with such severity as the right honourable Gentleman's censure. Is it to be said, that because a person, living in the connection in which Mrs. Clarke lived with his Royal Highness, had a slight influence, or a slight interference, in the disposal of a few commissions, that this is to stamp him with a crime, and to operate his removal from office? Is it possible in human nature to prevent a person in that situation from having the knowledge of many things that are proceeding in a manner the most innocent, and to prevent such a person, if she is so inclined, from availing herself of such knowledge? Is it possible, that what occupies a person during the day should not make part of his conversation in the evening, and that he should not, in a moment of relaxation, or from feelings of affection, express himself innocently, respecting persons who have been the subject of his consideration during the hours of business? I trust, Sir, that there is still liberality enough in the world to see this subject in this light; and that it would be too much to say, that fourteen years of incessant labour, for many many hours in the day, and every day of the year; admirable regulations for the comfort of the soldiers, for the education and support of their children, and for the military education of officers: the laws for which brought forward by the Royal Duke fill your Statute-Book and load your table; that the constant, and conscientious, and pure discharge of his duty, from 1795 to 1801, without spot or fault; again, during the two years when Mrs. Clarke lived in Gloucester Place without spot or fault, unless these three instances are to be considered as such, and from that time to the present, with equal diligence and with equal honour, with so extensive a patronage never misused; that all this, set against the two instances in which he answered her letter and note, and the single instance in which he promoted Carter, supposing it to be at her desire, should not avail? I am sure this is not the way in which this House and this country have been accustomed to judge. Sir, I have now concluded my observations upon this most anxious, most interesting, and most unprecedented proceeding: in which the conduct of the Royal Duke has been sifted in his most unguarded moments. His conversation, and his declarations of the most unreserved nature, brought in every shape, and from every quarter against him; and I feel satisfied, that I have stated grounds for my judgment in this case, which would guide my conscience on the most solemn occasion. I have omitted many topics, on which I might have observed, but I trust that the House will consider this as a tribute due to them for their kind attention, and not from any feeling that I have not strong reasons to give for my conclusions of innocence on the points which I have passed over, as well as on those on which I have been observing.

But before I sit down I cannot forbear mentioning an anecdote which discloses at once the correctness of sentiment, the justly laudable anguish of feeling, and the firmness of mind, of his Royal Highness, in respect to this most distressing, unfortunate, and calamitous proceeding, which shews, that his anxious attention to his official duties, to the interests, and even to the gratification of others, were unabated, while his mind was torn and agitated with the accounts of this proceeding; and while it displays his attention to the interests of a most gallant and meritorious officer, it serves to explain, by a most apt illustration, how innocently his Royal Highness might communicate that knowledge which might enable a designing and unprincipled person to accomplish the purposes of illicit and shameful gain.

At a period of this proceeding when some matter had been brought forward, which, when conveyed to his Royal Highness affected him deeply, by finding the meanness of pecuniary corruption cruelly and falsely imputed to him at a moment when his heart was wrung with this imputation, so that the utmost exertions of his fortitude, could hardly restrain his tears; he communicated to me the promotion of General Graham, (lately a Member of this House,) a person whose high character is well known; whose peculiar turn to military affairs has greatly distinguished him; whose promotion had, at a former period, been refused, for reasons which were then thought conclusive; with regard to whose promotion the objections had been removed by subsequent events, and the long continuation of voluntary services. This gallant officer, who fought at the battle of Corunna, and stood by the side of his friend, Sir John Moore, when he fell, General Hope had recommended to the Commander in Chief, at the dying request of Sir John Moore, in order that he might get his rank. When his Royal Highness communicated this subject to me, under the circumstances which I have just set forth, he said, "I know, from your attachment to Graham, that it will give you pleasure to learn that I have passed a great part of this morning in writing to his Majesty my reasons for thinking that the obstacles to Colonel Graham's promotion are removed; and I trust I have given such reasons as will induce his Majesty to authorize the promoting him to the rank of Major-General. The King's answer has not yet come back, but I impart the matter to you because I know how much you will be gratified in being told what is so truly interesting and important to your friend." I felt the kindness of the communication, and being particularly impressed with the whole scene, with the excess of feeling, the fortitude in repressing it, and the kindness in devoting himself, under these circumstances, to the interests of others, that I could not refrain from shewing and expressing what I felt. After a little time his Royal Highness said, "you may now discover from the communication which I have imparted to you, several days before it can be known to the public, how I may have been abused in similar cases, and by what means communications, which might drop in conversation with motives perfectly pure on my part, might be turned to purposes the most criminal and corrupt. If I had mentioned such a matter as Colonel Graham's intended promotion in the saloon at Gloucester-place, I have now reason to that a communication, innocent on my part, would have been immediately made the subject of a base and scandalous traffick, from which I could only be secured by the honour of the man who was the object of promotion." Sir, it is impossible that these circumstances should not make a deep impression on the House, and it would be a strange perversion of understanding to say, that such a communication violated the rule I have given in evidence as to the Duke's conduct, in not communicating with Mrs. Clarke on these subjects. I mean his having said "that when Mrs. Clarke, early in their acquaintance, stated something to him relative to promotion in the army, that that was business he could not listen to." It is no violation of this rule that in his ordinary unreserved conversation with a person in whom he implicitly confided, and of whom he had then no earthly distrust, that he should accidentally mention subjects of this nature. And every candid and honourable mind will allow that it is impossible in the intercourse of life that men should be tied up to such strictness, or that any body, in the least acquainted with the world, can impute such conversation as a matter of crime.

Sir, I shall trouble the House no farther than merely to state, that these views of the different parts of this extensive question satisfy me, that in a case of this nature, the principles of substantial justice render it much more fit to proceed by resolution than by address; that the proceeding by resolution leads to a decision on the justice of the case, without being obstructive of any ulterior measure. But in an address you involve the question of justice and of policy,—by resolution you separate them, and by separating justice from policy in the first instance, you do not exclude the exercise of your discretion as to any ultimate measure, by address or by any other course consistent with the Rules of Parliament, and the principles of justice.

Mr. WILLIAM SMITH said, that many observations had been made on the conduct of the House towards the honourable Mover of this business. That of the Gentlemen with whom he usually acted, he thought perfectly right, and was ready to defend it. The honourable Gentleman had entered on the affair without concert, had therefore taken on himself all the responsibility, and with the exception almost exclusively of the noble Lord (Folkestone), who had subsequently afforded him much assistance, was entitled to nearly equal merit and praise. Many and serious impediments had by powerful persons, been thrown in his path; it had been unfairly attempted to terrify, and even to brow-beat him; but all these things he had manfully resisted and despised. He had set a noble example, and deserved well of his country; but it did not follow from thence, that it would have been proper for those who were generally supposed to act together in opposition to the present administration, to have taken up as in a body, the accusation of the Royal Duke; nor did he think that such conduct on their parts, would have been deemed right; or even decent, by the public.

Much has also been said of the influence which the general opinion ought to have on the decision of this question in the House, and though the point was delicate, he was ready to declare his sentiments. He had always been and still continued a firm and a zealous advocate for Reform in Parliament, and would be ashamed to have the adversaries of that important measure in full possession of one of their strongest and most favourite arguments; that those who owed their seats to popular elections, would always be afraid to stem the tide of popular opinion, though they should be convinced of its opposition to justice.

He believed that on the present occasion, the most severe sentence would be the most popular; but he thought his own and every man's duty to use the advantages which his situation afforded him for forming the best judgment in his power, and then to act upon it; trusting, if he suffered for the moment, that the good sense and candour of his constituents, would eventually do him justice also. But he should then be especially careful to free himself from every other bias; as, if any influence whatever were to be permitted, it ought without doubt to be that of the public sentiment in infinite preference to any other;—that, even if mistaken, would probably be honest and uncorrupt, at least (which some others might not) and therefore least likely to injure the general welfare.

The evidence has been so fully discussed on both sides, particularly by the Chancellor of the Exchequer, and his honourable Friend (Mr. Whitbread) that little remained to be added with advantage; and he should confine his remarks to a few points in three or four of the cases, which appeared to have been less noticed by other Gentlemen. With respect to the famous note relating to Tonyn, whatever might be thought of its importance, he thought its genuineness most irrefragably established. In addition to the utmost similarity of writing and expression, on examination of about a dozen of notes and letters of the Duke's written at different times and places, he had found all but one, *on the same paper* with that in question, and several sealed with the same seal; while among forty of Mrs. Clarke's, now before the House, produced by accident, not selected by herself, there was not one scrap of paper similar to the Duke's, nor a fragment similar to the seal. In short no argument could be adduced to maintain its being a forgery, which would not render it impossible to prove any document whatever, and must not go almost the length of asserting, that the greater the appearance of truth, the greater the probability of falsehood. Other and strong circumstantial presumptions in its favour, had been too often urged to be repeated by him. As to the commission given to Carter, he had at first observed the fact with pleasure, and had it been the theme of a novel, it would doubtless be applauded. The objection to it was of a different kind, and the army would regard it with displeasure, that feeling must spring from the tainted channel, through which the favour had flowed. A similar remark might be made on Major Turner's case. Allowing for argument, the premisibility of listening in *very particular cases,* to such species of information as Mrs. Lucy Sinclair Sutherland's an unsuperable objection lies to it, when proceeding from so suspicious a quarter; from one who appears to have been as well known to the Commander in Chief as Mrs. Clarke herself, and to whom therefore it was unjust and indecent to pay that attention; neither could he forbear observing on the weakness of attributing inconsistency to those who contended for giving credit to Mrs. Clarke, while they refused to his Royal Highness the liberty of listening to Mrs. Sinclair Sutherland. How different were the cases; by a connection with the Duke of his own choice, was Mrs. Clarke forced on the unwilling attention of the House—a similar connection, equally of his own choice, made his attention to Mrs. Sutherland most indecent and unfit.

Miss Taylor's name he would not for his own sake have brought again into discussion, especially as her evidence, however authentic, was not in his opinion, incapable of explanation, which did not necessarily imply corruption to the Duke, but he felt himself compelled to protest against a principle attempted to be established, as he thought most cruel and unjust; that it was allowable to make insinuations destitute of proof, in the course of cross-examination, tending to destroy the character of a witness, in order to take chance of saving the party accused; to the infliction of such vicarious suffering he would never consent. In common justice, this mode of extorting truth was frequently practised with a severity so harsh and disgusting as to disgrace the professors of the Law, and in which they were protected only by the dignity and authority of the place in which they stood; but the practice itself found its justification only in the necessity of obtaining truth, on the sudden as it were, during the course of the trial, from persons of whom the counsel had probably no previous knowledge. Can these reasons be alledged for the torture of Miss Taylor.

Aperto vivere voto, which was formerly the privilege of virtue, was now incidentally become in a considerable degree a salutary restraint upon vice. How then came it to pass that all the multitude of assessors, collectors, surveyors, inspectors of taxes, parochial and general, windows, houses, and property-tax with all the runners of the police officers, all the Townshends and Macmanuses, and other myrmidoms of Bow-street, have never been able to establish against this poor unfortunate female, one single distinct proof of misconduct, to authorise the insinuations against her; if so, with what humanity or justice has she been pointed at with the finger of scorn, as a mark of infamy? Was it a crime generally to be a witness? or only for an humble individual to appear against a Prince? If so, it ought to have been recollected that she was forced thither, and was reluctant for a very powerful reason—" she has three brothers in the Army." However in contending against this principle, the honourable Member meant to declare as his decided, and he believed impartial opinion, that neither in Miss Taylor's nor in any other evidence, he could find sufficient ground to convict the Duke of York of corrupt participation in the practices of Mrs. Clarke. But going thus far, it might be asked of him on what ground he could wish the removal of the Duke from his high situation? In this he saw no inconsistency; sufficient reason for that measure seemed to him still to remain; in the interference which he had permitted in official matters, proved beyond all doubt to the just offence, and perhaps to the great injury of the Army. The extreme scandal of public decency, the thoughtlessness and folly at least, which prevaded the whole transaction, and which those who felt themselves bound to acquit his Royal Highness of the other branch of the charge, were compelled as an unavoidable alternative to admit—to all this the country neither could nor would shut their eyes, and if the House were so disposed, they could not thereby save the Duke's character, though in the attempt they might lose their own. It had been said that the House had no concern with the mere vices of public men, nor ought to take on itself the office of a *Censor Morum*. This he thought true as to conduct *merely* private and personal. With this it would be unwise and absurd in Parliament to interfere; but when these vices were so intimately mixed with the official conduct of men in great public situations, the House he thought was bound not to pass them by; if on such weakness in high places, that House could not act as censor, vigilant for the interests of society, where could any such power be found?

It was of the utmost importance to distinguish between indulgent allowance of private failings and that indifference to all matters of this nature, when the notice of them could not be avoided, [illegible] that standard of public morals, which ought to be maintained as high as possible.

> "Altius ibunt qui ad summa nituntior."
> "They highest reach, who for the summit strain."

Men whose notions were not corrupted, might recover from great failings, but none could ever attain to great excellence, who did not set out with a lofty aim, and if once the springs of morals were vitiated, and whenever the mounds of law were transgressed; a torrent equally foul and rapid would oversweep the land. Was it not by personal as well as political corruption, that Charles II. was reduced to become the miserable and despised tool of a foreign enemy? Nay it was not improbable that this degradation of the crown rendered the expulsion of his successor more easy? On the contrary, with all the hypocrisy alledged against Cromwell, was not the apparent morality of his time connected with a wisdom and vigour in the government, which made the name of England universally respected abroad, though under the despotism of an usurper. The honourable Member concluded by preferring the measures suggested by his honourable Friend (Mr. Banks) to those proposed by the Chancellor of the Exchequer, and rather than concur in the Address which followed, he would consent never again to set his foot in the House.

The SECRETARY at WAR rose, and said, that in the observations he was about to make he should be as brief as possible; the question he considered as divided into two branches, one as to the Duke of York having corruptly participated in an irregular disposal of commissions; the other in having permitted such transactions to take place unnoticed, while he must have had a reasonable ground for suspicion; for either of which he was to be considered as unfit for the office of Commander in

Chief, and be dislodged. As the evidence had been already so clearly remarked upon, he should not take up the time of the House by going again into it. He was fully convinced, from what had already passed on the subject of Mrs. Clarke's testimony, that her evidence was considered, by the majority of the House, as unworthy of belief. (*A general cry of No! no! no!*) He at least considered such to be the case, and his object would be to point out to those who discredited her testimony, generally, that *that* being set aside, no other ground existed for believing that his Royal Highness had any knowledge of corruption. Her evidence went to prove a participation, which, if believed, would require a stronger measure. The right honourable Gentleman then entered into an argument to prove that Mrs. Clarke had not any degree of influence over his Royal Highness, for she appeared ignorant of the usual course of business; had she been in the habit of conversing with his Royal Highness, it could not have been so; and that this was the case, was clearly proved by various parts of the evidence; she did not even know when an appointment was to take place, or why should she be so anxious to get *The Gazette*?---Had she been in the habit of trafficking with the Duke for commissions, she would not have been ignorant of the *gazetting;* nor would she, as in one case it was proved, have lost half her money. By the letters of Mrs. Clarke to Captain Sandon, it would have been her interest that the levy should have continued, as she was to have received a guinea a man. As to the case of Major Tonyn, it actually proved, not only that there were no grounds for corruption, but that there was in fact proof of even want of communication with the Duke of York, on the subject of military promotions. So little did she know of military business, that although 500l. was at stake, and she anxious to obtain it, yet she was a whole week ignorant that he had been appointed to a majority; and at the time she wished to stop it, as appeared by her letter from Weybridge, the appointment had taken place eight days; it also appeared, that not the smallest step had ever been taken to stop it. As to Colonel Shaw's case, when Mrs. Clarke made her complaint, and was told he should be immediately put upon half-pay, he was actually upon half-pay at the time. The case of Samuel Carter had been sufficiently observed upon; and as to Mr. Dowler, his first answer proved that he had espoused the cause of Mrs. Clarke; for, when asked how he had obtained his appointment? he replied, that he had purchased it of her; this too at a time when she had no influence with the Duke; the whole of this case, therefore, went for nothing. The right honourable Gentleman then came to the question how far guilt was to be attached to his Royal Highness for not entertaining suspicion? It was contended, that at least he ought to have had some suspicion. Now the whole scene of corruption was before our eyes, we might think so; but it was a matter of doubt, whether we should have thought so had not this been the case. It had been said that it was a matter of notoriety; this he denied; for even those concerned did not know that it was through Mrs. Clarke's influence they were to be served; the notoriety, therefore, went for nothing. An honourable Gentleman had stated that his Royal Highness should have had suspicion from her expensive establishment, and that £10,000 a year was but a moderate income to support it. He, however, greatly differed with that Gentleman, and thought it might be maintained at a much smaller rate. From this view of the subject he therefore concluded, that the Duke of York knew nothing of the corruption, nor had any reason to expect that such corruption existed. The right honourable Gentleman then drew a comparison of the admirable state of discipline in which our army is at present, to that in which it was when he first took the command, stated this to be the result of his activity and attention, and trusted the House would not, by their vote, deprive the country of his future services.

Sir FRANCIS BURDETT---" In rising to speak upon this subject, I must acknowledge, Sir, I feel it to be a most painful duty I am about to undertake, and after the very able manner in which it has been already treated by others, I should think it would ill become me to detain the House with a tedious detail of the evidence which has been set forth to the House. It is at present fresh in the recollection of all, and therefore what I am desirous of doing, is merely to attempt to draw some results from that which has already been laid before you, or at least to shew the effect that the reasoning of others has had upon my mind, and the grounds upon which I think our decision ought to be founded. The first thing that has struck me, from the commencement of these proceedings, has been the very extraordinary conduct pursued by those who are his Majesty's Ministers, with respect to the honourable Member who has brought forward the original motion. It has appeared astonishing to me, that the right honourable and learned Gentleman opposite, the Chancellor of the Exchequer, an officer of the public, and his Majesty's Attorney General, the public accuser, and indeed all the Crown Lawyers, whose duty it is to detect and punish public delinquencies, have been upon this occasion arrayed upon the side of the party accused. Their duty surely consists in seeing justice done in whatever manner that can best be promoted, and to take up a public delinquency in the manner best calculated to prosecute to conviction.---*(Hear! hear!)*---With regard to the honourable Mover, I heartily agree with the honourable Gentleman who answered Chancellor of the Exchequer, that he put to sea upon a troubled ocean, in a small skiff; I know not with what manner of sign in the binnacle he embarked, but of this I am sure, that he has steered by a polar star, and that it will bring him through all storms and dangers. He was told, that if he failed in making out those charges and accusations, infamy must attach to his character; and it was even at the same time stated by a right honourable Secretary, that he had placed himself in such a dilemma, that, upon the decision of that question, his character and reputation must hang. I trust, that in this stage of the business, and after the long and protracted debate, in which so many attempts have been made to do away the effects of the evidence adduced, it at least cannot now be said, that any of the smallest discredit or infamy can attach to that honourable Gentleman who brought the matter forward.---(*Hear! hear!*)---If, therefore, the right honourable Gentleman opposite (the Chancellor of the Exchequer), must still somewhere attribute infamy in these transactions, he must consent to let it rest upon his own shoulders. His speech has been said to be most ingenious and able; but, if so, I think I must also state, that it has been so sophistical, and so uncandid, that it appears rather to have been the defence of an advocate, than, as it ought to have been, the summing up of the evidence before a court. It was evidently deficient of all candour or admission on the one side, and excelled in starting difficulties upon the other; and indeed was, upon the whole, the most injudicious defence that learned Gentleman could possibly have made. All the evidence adduced at the Bar could not induce him to come to any other conclusion, than that this woman, Mrs. Clarke, had no influence whatever upon the mind of the Duke of York. I believe, however, he will stand alone in that conclusion; but it proves that his mind was so blinded by some circumstance or other, it is impossible what he said could have any influence whatever upon the decision of the House upon this great and important question. He could not see the plainest object in the broadest daylight, and yet he appeared able to pick up the most trifling particles even in the most utter darkness. The principle hitherto has been to attempt doing away the evidence of Mrs. Clarke. Now, Sir, when we consider what has been the evidence of that individual, how long she has been under examination, and how many hours she has been sifted by lawyers, in order to produce something from her own mouth, attaching against herself, even from her cradle almost up to the time she appeared at the bar, we must be astonished at the truly consistent manner in which she gave her evidence. She stands, Sir, in this predicament, that you saw the worst of her at the first; for she appeared before us under the most unfavourable impressions, and all that has come out from her first appearance to the close of her examination, has produced impressions of quite a different nature and tendency. She came, indeed, under such particular disadvantages, in point of her known character and situation in life, that, undoubtedly, very little attention was paid to her evidence; but as you went on, other circumstances came forward, that rendered it impossible that any such evidence could have been given by any one, but upon that most simple of all intentions, that of telling the plain and honest truth. *(Hear! hear!)* It so happened, however, that all those who endeavoured to entrap her, or to make her discredit herself, found themselves constantly foiled. His Majesty's Attorney General examined her hour after hour, and was continually defeated; but if he had succeeded in the slightest degree, he would have endeavoured to overturn the effect of her testimony. Hypothesis had been raised upon hypothesis, surmise upon surmise, and inference upon inference, and now, when all of them had failed, Mrs. Clarke was to be raised by them into the greatest prodigy that ever existed; and, in short, it has been stated, that no witness ever was examined, that possessed abilities, understanding, and cunning, equal to Mrs. Clarke. If I thought her capable of rearing up that drama that has been exhibited, I too would certainly unite with them in saying, she was one of the greatest geniuses; for she would be surely as capable of writing the tragedy of *Macbeth*, as she was capable of trumping up such a story. We should consider, however, that the grand connecting link in her evidence is her connexion and influence with the Duke of York; and whether, under all the circumstances, you have not the best evidence that the nature of the case can admit. You have reason to believe, that the influence, of itself, was a corrupt influence with the Commander in Chief, and that he had reason to suspect that such a corrupt influence existed: in any common case, this would be acknowledged the best evidence, and why not deem it such in the present instance? Shame of his Royal Highness! for, I am sorry to say, that the very defence which has been made, must appear, in any case, as disgraceful. The learned Gentleman began with stating, what is very usual with Gentlemen of the Long Robe, that other people were mistaken in laying down erroneous premises, and drawing false conclusions; and his conclusion was, that the evidence of Mrs. Clarke was not at all admissible. I do not agree with either his premises or his conclusions, for I think the evidence of Mrs. Clarke is certainly to be admitted, but with due suspicion. When, however, we find her evidence corroborated by that of Miss Taylor, in regard to facts, it may rather be thought wonderful that there can be such strong and convincing proofs produced upon such a subject as have been upon this occasion. Had it been a fabricated evidence, she must have known more than she stated. Nothing is more common than for Judges to state to a Jury the grounds of credit, as well as the grounds of discredit; but had this been done fairly by any of the right honourable Gentlemen in this case? With respect to Miss Taylor, there is not the smallest reason to doubt her; and yet merely because she appears to be a relation of Mrs. Clarke, they suppose that all this is nothing but an infamous scheme of these two women to discredit and defame the Duke of York; but even were this the case, the manner in which they have gone about it would not only shew a want of ingenuity, but would expose themselves, as being the boldest women that ever existed. If the case, as to Colonel French, for instance, be a trumped up story between these two persons, surely Mrs. Clarke cannot be that genius that the right honourable Gentleman states her to be, for she certainly would have taken care to make it so strong a case, that no doubt could possibly exist. The right honourable Gentleman's arguments have destroyed one another; all his suppositions have been unfounded, and his surmises the mere chimeras and hypotheses of his own brain, leaving out every thing that can lead your judgment in the evidence already before us.—(*Hear! hear!*) Upon the whole, it is in my mind the most weak and injudicious defence that could possibly be set up for any individual. The honourable Member below me, who moved the Amendment to the Address, has, I think, taken a most injudicious line as a Member of Parliament; for he was giving up that which is perfectly tenable as that which was untenable.—This, I think, is impossible to agree to, as no one can shut his eyes against the corrupt influence and criminal connivance stated in the evidence. They have brought no evidence whatever to shew that Mrs. Clarke is not to be believed, although the Duke of York has had one of the most able and experienced solicitors in London, Mr. Larden, who has used every means to bring witnesses from every quarter, until he found it impossible to bring more, against the testimony of this Witness. An honourable and learned Gentleman opposite (Mr. Burton,) has said, that Mrs. Clarke has contradicted herself no less than 28 times, an assertion which is merely made to supply the deficiency of witnesses to do so. It is surely, then, a very different thing, whether witnesses do contradict themselves, or are contradicted by others—for in the former case it is evidence as it were *point blanc*, while in the latter the witnesses themselves may be mistaken. The alledged contradictions in her evidence as to the case to which I have alluded, are, as to whether a note was a 100l. note, or a 200l. note, which she sent to be changed? and whether the transaction was to be kept only a secret from the Duke, or from the public? But in this Mrs Clarke's statement is surely as plausible as that of Mr. Knight, and there can be no reason to disbelieve her more than the other. The same attempts have been made to discredit the testimony of Miss Taylor, merely because she did not wish to divulge at first the residence of her father and mother, nor the place where she was born. This is the most absurd mode of discrediting a witness that ever I heard. There was an honourable Member who spoke early in this debate. I beg pardon, I must call him a learned Gentleman, for he is his Majesty's Attorney General, to whom I listened with the greatest attention; and although I never had an opportunity of knowing him, I did expect that he would have stated some luminous points, some elucidation of the case; but how have we been disappointed? Sir. I remember having heard of a great Lawyer, a

Mr. Dunning, who on being asked by a Client to recommend him to a Counsellor the most proper for his case, asked him "what is your case?" The person applying answered, "it is a very bad case." "If so," said Mr. Dunning, "you had better take the worst Counsellor you can get; for if you employ a man of genius he will be hampered with it, but a bad Counsellor will not stop upon any point, for he will go on without ceasing, and by using many words, have the appearance of making a great defence." *(Hear! hear!)* And so, in the present instance, the defence made by that learned Counsellor opposite has, I confess, given me a very strong impression as to the depth of his understanding; and it puts me in mind of an ass, who will reject the choicest food for the sake of enjoying a feast upon thistles; or of *Christian*, in *The Pilgrim's Progress*, who, when he was in the Slough of Despond, had to leave his travelling companion in the mud, as the learned Gentleman had left his client, the Duke of York, and out of which all the Anti-Jacobins in the land would not be able to extricate him. *(Hear! hear! hear!)* That same learned Gentleman, towards the conclusion of his speech, appealed to the compassionate feelings of the House. Now, Sir, although this is not the time for paying attention to such considerations, yet it did fix in my mind a strong impression of the complete and irresistible evidence attending this case in every part. He did not seem at all to be appealing to the full extent of the statement of the Chancellor of the Exchequer, for he seemed disposed to give up a considerable part in order to save the rest. He seemed to express a great doubt as to the hand-writing of the note about Captain Tonyn; for, after it had been proved by the best of evidence, the worst was brought forward to rebut the best, and he boldly calls it a forgery, because Mrs. Clarke had stated that she could write very like the

Duke of York. Why, Sir, this is but melancholy testimony against such a weight of evidence as has been brought forward upon this particular point, and it makes it appear that nothing but prejudice could actuate any one to make such an assertion. With all those talents, and that genius, which are ascribed to Mrs. Clarke, it should seem that the utmost she had done was to raise a sum of money in the Duke's name, and not even for her own behoof. She has turned her talents to no account whatever; and what is still more extraordinary in her transactions is, that there should have been such unnecessary fidelity in her dealings with her employers, as well as towards her creditors.—She made nothing for any purpose of her own, for it was to pay the tradesmen's bills, and to satisfy the poor people's demands, who had sold goods for the use of the Duke of York. I should be sorry to speak disadvantageously of his Royal Highness's conduct, but I must say, I think what he is said to have allowed Mrs. Clarke, has been exaggerated. Mrs. Clarke comes to your Bar under such disadvantageous circumstances, as, I think, should have prevented any generous or well-disposed mind from taking advantage of her. Not even bare justice has been done to her; although, with respect to the witnesses called in behalf of the Duke, all the milk of human kindness has been shewn to them by the right honourable and learned Gentleman opposite. The honourable Member for Cambridgeshire stated arguments, which, I think, are also very extraordinary, in order to prevent your coming to a fair conclusion upon the consideration of the evidence, which conclusion the House must ultimately come to, if it act fairly and honourably towards the country. If Mrs. Clarke had no truth in her, she has had at least the singular faculty of extracting truth from others, who were brought for the purpose of contradicting her, and changing the ultimate decision. Captain Sandon, amongst others, is said not to be worthy of belief, because he prevaricated in one instance, as to the letter of the Duke's hand-writing; but the fact is, that witnesses are the more to be believed upon some points, when they come to conceal the truth as to another point; for their evidence, when corroborated by others, is more forcible than if they were actually straight forward witnesses.—She told you that Donovan would deny a fact, and he did deny it; but it was afterwards extracted from him. In short, Mrs. Clarke has always given you the means of extracting the truth from others, and their evidence has uniformly tended to corroborate her's. This is really doing nothing but justice to Mrs. Clarke, and I wish equal justice to be done to both sides. But, Sir, putting all the positive evidence out of the question, I say that the circumstantial evidence is of itself so strong as to justify the House in passing a dicision in conformity with the Address. It is of such a nature, that, in a Court of Justice, with a very slight degree of positive evidence, it would be sufficient to condemn any individual tried for his life. But what is most extraordinary in this place is, that the legal gentlemen of this House seem to lose all those abilities which they display elsewhere. (*Hear! hear!*) In fact, all these witnesses, althought brought for the purpose of contradicting Mrs. Clarke, yet appeared to Mr. Attorney-General not to be sufficient, and he, at length, thought Mrs. Clarke absolutely bewitched, and, as it were, gave up the trial to get rid of her. How is this to be accounted for, when they say, at the same time, that Mrs. Clarke is possessed of such talents and abilities, that nobody is like her, and that she is equally powerful as an enchantress? In such a defence, it appears they can do nothing, but have recourse to some marvellous expedient, in order to get the better of Mrs. Clarke's evidence. It is like applying a piece of red cloth to the teeth of the viper, in order to extract the venom. (*Hear! hear!*) If, however, the parole testimony be doubted, there are written documents on your table that cannot admit of a charge of falsity. Here we have the Duke's own letters; and it is a painful thing to find that we have the Duke's honour pledged to the contrary of what must necessarily be concluded from his own hand-writing. Are we to be told that Mrs. Clarke's evidence is not to be believed, because here is the word of honour of a person of his Royal Highness's rank and character, to subvert it? We have the evidence too of the particular friend of the Duke of York, in direct contradiction to his Royal Highness; and can we then believe, from the general character of the Duke of York, and the honour of a Prince, that these things are not possible, or that it must require more than ordinary evidence to convict him of crimes and misdemeanors? This is really *argumentum ad absurdum*, for it has been said that the Duke of York could not do all this, as it was contrary to common sense. Why, Sir, I own that the whole of these transactions are contrary—completely so. Colonel Gordon has been called a very able evidence. I do not understand the meaning of this expression, for I know nothing of witnesses except as to how far they tell truth or falsehood. They say that his evidence cannot be contradicted by that of Mrs. Clarke. Mark his situation in respect to the Duke, and observe how he concludes almost every answer with an exception, as is done in merchants' accounts, which generally conclude with *errors excepted*; and contrast his manner with that of Mrs. Clarke, in order to judge which of their testimonies is most to be credited. Colonel Gordon's evidence has been made the great stalking horse upon all occasions; and it is argued from it, that no corruption could take place, as official forms were observed. (Here the honourable Member made some allusion to the evidence of Donovan and Sandon, and also to the case of Samuel Carter, but the nature of which we could not distinctly hear.] It was attempted to set the case of Carter off to great advantage in favour of the Duke of York; but if it amount to any thing he thought it should rather be construed as an act of generosity in Mrs. Clarke. It was singular that this woman was brought to the Bar with every prejudice against her testimony, and yet (said he) the more you learn of her, the more you have reason to mitigate the bad opinion you entertained of her. Then we come to some cases that are said to have nothing at all to do with Mrs. Clarke; but I think they evidently show to what an extent Mrs. Clarke's influence went. It weighed heavily upon the Duke, and shews a picture of hypocrisy and profligacy united. *(Hear! hear! hear!)* It is truly revolting to propriety and decency. I am very sorry at observing the line of defence that has been adopted for his Royal Highness, and wish his advocates had adopted that mode which was proposed by my honourable Friend, who brought forward these charges, by which the character of the Duke of York would not have been so soon exposed.—Since it had come before them in this shape, honesty and justice required them to meet it, and the evidence upon it is truly of as heavy a nature as can well be conceived." The honourable Baronet then alluded to the case of Colonel Shaw, whose letters, he thought proved what were the general feelings of the army. "In the case of Major Turner too, it appeared that Mrs. Sinclair Sutherland had also been in the habit of asking favours of the Duke, although it had been stated by the Secretary at War to amount to nothing, as Major Turner's recommendation had not been accepted of, on account of Mrs. Sutherland's representing to Colonel Gordon, that he had behaved ill to a lady. He knew not what military rules apply to such cases, but he begged the House to look to the conduct of his Royal Highness the Duke of York himself. It was evident the Duke felt no remorse in shaking her off, and exposing her to poverty and to infamy. Such conduct, (said Sir Francis) makes a man's blood run cold. The evidence of Mrs. Clarke is a melancholy contrast with the honour of a Prince. She offers to give up her annuity to pay her debts, but that annuity, when applied for, was refused by the Duke, although formerly promised. And on what grounds was it so refused? Why, he states, that although a bond had been promised, yet no bond had been given! There is the Honour of a Prince for you!!! I think the evidence adduced may shew clearly that the Honour of a Prince is not at all to be relied upon. His Royal Highness's desire to procure money by any means, or from any quarter, was also eminently conspicuous. The transaction with Kennett was one which even alone should call for the interference of the House, as it shewed that the Duke of York was capable of recommending a worthless character to a place under Government, in the hopes of obtaining the loan of a large sum of money for it.—Do you not call this corruption? Corruption and money are said to be synonimous terms; and because the Duke had not received the money in hand, the Chancellor of the Exchequer argued, that therefore there was no corruption, and that there never was a period when corruption existed less than at present. I should not be surprised to find that he thinks he has got the golden age in the fall of man, or that Paradise is now regained. Your military establishments are every where increased, and places are now disposed of in every quarter of the world, at a time when the people were never so oppressed, when every man is looking to ruin, by the grievous tax of 10 per cent. upon his income. Is this the mode by which the Chancellor of the Exchequer proposed to introduce industry, or to reward merit? Although the corruption of the present day did not resemble that of former times, when 500l. would be offered to Members in the lobby of the House, or when invited to dine at your table, each individual would find a large sum of money in under his plate: I wish there were at the present day no other species of corruption in existence, than that open way of accepting the bribe; but unfortunately corruption is now offered secretly, and so concealed, that the man who is thought to be one that would be ashamed to receive it, is he who has it secretly offered to him, and who secretly receives it. How could it come to pass that this Royal Duke could feel himself in a situation to have recourse to such unworthy means, when it is well known he enjoys more than any one of the Royal Family? This surely gives force to the testimony, which is complete without it, whether you take the positive or the circumstantial evidence. The documents are of themselves convincing to every mind. The legal gentlemen see nothing at all in all this; but when I look to their former conduct in Courts, I know not what object can actuate them to argue thus; for when the blood of man, the lives, the fortunes, and all that is dear to a family are concerned, what is the language we hear? Have we not seen common spies and informers, wretches whose oaths should not pass for a groat, brought forward in Courts of Law to take away the lives of their fellow-creatures? Juries in former times would be liable to be attainted if they rejected such strong positive or circumstantial evidence as that now offered to this House. Since the famous Exclusion Bill of the Duke of York, afterwards James II. there has not been such an important case brought before Parliament to be decided upon justice alone. However high the rank of the accused is, it is but a small consideration on my mind, for the case is the justice of England.—

(Hear! hear! hear!) The Commander in Chief has offered the honour of a Prince; but I beg leave to state, that the honour of the King, the honour of the Crown, the fountain of justice, is at stake, and these are not to be turned aside by that which is now offered to your notice. Unfortunately, upon this subject of honour, there is always a contrast. I would wish to put in opposition to it the honour of that witness, who has been painted in such infamous colours at your bar, every effort to discredit whom has always redounded to the confusion of those who brought it forward. Mr. Few, a witness, has proved to you, that having sued Mrs. Clarke for a debt, which she succeeded in resisting, this woman, who has been styled so revengeful, nevertheless, thought proper most honourably to pay him. That is an act of honour, which, in my mind, surpasses that of the Duke of York. Those Gentlemen who advocate his cause, have called in the last resource, which is the appeal in a desperate cause; they have called witnessess to speak to the general character of the Duke of York. In that respect, too, I believe, he will be found as deficient as in any other point of view. In short, his Royal Highness's honour rises out of this discussion like *Banquo's* ghost,

“ With twenty mortal gashes on his head,
“ To push us from our stools.”

It is impossible, Sir, that, under all the circumstances of this case, the Duke of York can retain the situation he now holds at the head of the army; *(Hear! hear! hear!)* for I have nothing to do with what may be the consequences of this question being so decided, as it is only to be determined by the evidence before you. We must come to such a vote, let the consequence be what it may, with no other consideration but that of justice alone.---We have been warned, upon this occasion, not to be warped by popular influence; but the circumstances of the case render it necessary not to allow it to be decided by popular clamour. The people of England, who have been all along remarkable for being lovers of justice, look to you for nothing else; and be your decision what it may, if it be but justice, I am convinced it will satisfy the people."---Sir Francis Burdett then concluded an eloquent and impressive speech, of which the foregoing is but a very imperfect sketch, as the honourable Baronet was not distinctly audible in the gallery, with stating, that he would vote for the original Address.

The **Master** of the **Rolls** said, that he wished much to hear the evidence canvassed and commented upon before he expressed his opinion, and with that view had delayed offering himself to their attention until that moment. There were many parts of the ingenious speech of the honourable Baronet in which he agreed; it should be his endeavour, in what he had to say, to discharge his duty with impartiality, and assist in the promotion of their common object, the discovery of the truth. *(Hear! hear!)* He agreed with the honourable Baronet, that ultimately every man should vote according to his conviction, and that he should do all in his power that that conviction should be right; else it would happen, as Dr. Johnson had said, that strong party principles would produce wrong convictions, and that would countenance the charge, that though the conviction was produced, it was not come by honestly *(a laugh)*. He admitted it was desirable that their minds should be perfectly unbiassed and upright, in the investigation: that they should be equally removed from popular prejudice upon the one hand, and from considerations of party and [illegible] upon the other. Such were the [illegible] which it became that House to pronounce its [illegible]. It appeared to him, that there were two questions before them; first, whether they would come to any opinion upon the charges of corruption against the Duke of York, and what steps they would pursue in consequence? And secondly, what opinion they would entertain of the evidence in support of these charges? Supposing it to be the prevalent notion that the Duke of York was guilty of personal corruption, the question then was, whether they should pronounce the judgment, that he was unfit to be at the head of the army? He could conceive cases in which the House might refuse to pronounce any opinion, but he could not conceive any case in which it would be justified in pronouncing an ambiguous opinion. He felt it difficult to know what the House would be at. He wished the honourable Gentleman had not driven them to the necessity of coming to a decision upon that point. He agreed in the definition which the honourable Baronet had given of corruption, to constitute which the receipt of money was not essential; any improper motive, any undue influence was corruption. The Address proposed might have the effect of convicting the Duke of York by a minority. He wished that the honourable Gentleman had set out with proposing a simple resolution, which would bring the fact before them at once. Supposing then, that it was necessary for them to pronounce a direct judgment, he would consider what grounds they had upon which to rest it. He was not aware, that in any former case they were similarly circumstanced as in the present. In ascertaining the credibility of witnesses, they should consider with attention the circumstances under which the testimony was given, and a very prominent circumstance for their consideration was, whether the testimony was given under the obligation of an oath. They had had persons at their Bar not much akin to the Roman or Athenian virtue, and they were to decide whether they would take the unsworn testimony of such witnesses against any of their fellow subjects. *(Hear! hear!)* The testimony of such witnesses, he allowed, might justify them in putting a man upon his trial, and he imagined that the reason why it was not thought necessary to give the House of Commons the privilege to administer an oath was, that their inquiries were supposed to be directed to ascertain the grounds of accusation, preparatory to the institution of a subsequent trial. Every one agreed as to the necessity of ascertaining the credibility of Mrs. Clarke; if she were not believed in all, her evidence was only circumstantial---a species of evidence inferior to that which was direct. If Mrs. Clarke's evidence was admitted in all parts, without exception, it brought home the charge against the Duke of York in its most aggravated circumstances; for, by her evidence, it appeared that he not only knew, but authorised and recommended the traffic in commissions; that he did so to save his own pocket, and cast the expense of her support, from himself, upon the nation. He was a little surprised to find the Address so worded as not to rest upon the evidence of Mrs. Clarke; the language of it was, that it was to be presumed, not that it was directly proved. A noble Lord had said, that he believed her testimony all together; it was not inconsistent with that belief that he should be willing to vote for a stronger measure. The honourable Gentleman who spoke second in the debate, had said, that Mrs. Clarke's evidence required corroboration, and in that opinion the honourable Baronet himself agreed. If her testimony were suspicious, if there were a doubt upon their minds whether it was true or false, that was enough to prevent them from acting upon it; it was not necessary to prove that it was actually false. There were many circumstances to be taken into consideration in weighing the credibility of witnesses, the character in which they appeared, the motives by which they were influenced, whether malicious or otherwise; and by those tests was Mrs. Clarke's evidence to be decided. He allowed that there were many parts of her testimony true---*(Hear! hear!)*; that the only questionable part was that respecting the private conversations with his Royal Highness. *(Hear! hear!)* Such testimony as that, however, was always to be doubted. A judge, in charging the jury, always pointed it out as necessary to be regarded with grave suspicion; if it were not regarded with peculiar jealousy, no man's character could be safe; but the rule was, that if, from other circumstances, (as there could be no direct refutation of it), there was ground to suspect its falsehood, even though it was not sufficient to establish a contradictory proposition, that ground was fatal to such testimony. It was evident that Mrs. Clarke came forward under angry impressions, and a witness so coming forward, would not be perfectly credible; could not be unsuspected. To what extent then was Mrs. Clarke's testimony corroborated? As to her influence over the Duke of York, it was proved sufficiently; but in connecting him with her corrupt dealings, Miss Taylor was the only corroborating evidence; others could only go to establish the fact of certain appointments having taken place; she alone went to prove the incitement of corrupt motives. He confessed that there did not appear to him any evidence against Miss Taylor's veracity; *(Hear!)* but her evidence was of the weakest sort; it was a narrative of a conversation; nor could they be quite sure that that confirmatory aid was true; it struck him at first, that Miss Taylor might not have recollected the conversation distinctly; that respecting Colonel French must have had some reference to a former transaction; but Colonel French had fulfilled every *iota* of his engagement; her answer therefore, saying, "middling, not very well," could not apply to the transactions of the levy. So far from acting otherwise than well, he was actually in considerable advance; instead of 500l. the original sum, he had paid 850l. He could see a reason for this conduct. Colonel French might have believed that it would be necessary for him to appeal to her influence again, and on that account might be more willing to submit to her demands; and the probability of his being obliged to call upon her again, was strengthened by the circumstance of the levy turning out to be unsuccessful. The inference which he drew from all this was not that the confirmatory evidence of Miss Taylor was false, but that it was not strong enough to prevent doubt, and that doubt must lead to acquittal. It was manifest, that promotions were forwarded without the regular routine, or that sort of recommendation which was usual in such cases; but then there was no reason to conclude that the Duke of York was privy to it; there was no reason offered to connect the matter with him; they might have been appointed, not only without his knowledge that the influence under which they were appointed was unjust, but even without his suspicion. With respect to the corroborative testimony in favour of Mrs. Clarke's evidence, there were two cases before the House; the one respecting the exchange, the other the levy; he asked whether these two cases constituted the numbers set forth in the Address? If they had before them a great number of instances of promotions out of the regular course, negociated by her, and all of them successful, then there would be some grounds to decide upon; but the less the number, the less the probability of her influence and the Duke's guilt. If, as a Judge, he had been addressing a Jury, under such circumstances, he would declare that there were not grounds sufficient to justify their verdict; if he had great doubts of Mrs. Clarke's evidence, he would say that he was not able to come to a decision, but he would say that he had grounds for standing neuter, or calling for a farther investigation. It was a contradiction in terms for a man to say that he was uncertain whether he believed her evidence or not, and yet act as if he had believed it. The House should observe her general declarations in contradiction to her specific charges against the Duke of York. [Here the honourable Member read parts of her evidence, in which she stated her constant applications to the Duke of York and his favourable reception of them.] In the first place she stated that she did not commence that species of traffic till the period of her distresses in Gloucester-place; but it appeared that she had been engaged in it in February, 1804. She had said that that traffic was to relieve his Royal Highness from the expences of her establishment, but that end was not answered; they ought to take along with them what she had said, that the Duke of York was in the utmost distress all that while that he could not give her £100. Was it not wonderful then that he did not ask her, "Pray Mrs. Clarke, what have you done with all the money you received for the commissions I gave you?" Besides, if the Duke of York did give his authority, and mention what recommendations were proper and what not, she could never have failed; but it was plain that she met with delays and failures in the case of Colonel French's levy; and in the case of Major Tonyn there was much delay, though the Duke of York, with one dash of his pen, could have dispatched them at once, and that too without any danger to himself. It was also evident to every one that Mrs. Clarke was in a miserable state of ignorance respecting the Commander in Chief's office; her letters upon all subjects connected with it were filled with perpetual blunders, though she represented herself as in the habit of daily conversations with him on these subjects, and on the business of that office; she had always some excuse to account for her failures, she knew how likely they were to occur, and was provided against them. With respect to the case of Major Shaw, there was nothing delivered in the evidence, but what tended to raise a considerable suspicion of the veracity of Mrs. Clarke's story about that affair. She had taken upon herself to say, the Duke of York told her all along that Shaw was a very bad man, and yet, if we can credit her, we are to believe the Duke had no mind at all of his own, but the moment Mrs. Clarke recommended, there was instant promotion. In the case now before the House, he conceived they had not a discretionary power. As far as he was able to form a judgment upon the question, it did not appear the Duke of York had even permitted those transactions upon which was instituted the present procedure. He could not but admit there was great reason to regret the Duke had ever suffered Mrs. Clarke to open her lips, or say a single word on military affairs.—At the same time, we ought not to exclude from our consideration, that Mrs. Clarke had appeared to be acquainted with persons of the greatest respectability, and thereby the Duke of York was probably mistaken about her character. Dr. O'Meara's case had incurred much animadversion, and, although it did not apply to the army, or army promotions, still he was not disposed to contend it ought to be entirely excluded from their consideration. After adverting to the observations made by different individuals in the House, during the course of the present discussion, regarding the sense of the people, he thought it the duty of every Member to investigate the evidence before them with the utmost coolness and deliberation; to attend to the truth only, and examine according to the best of their judgment, and then there could not exist a doubt but their decision would be satisfactory to the country.

Sir SAMUEL ROMILLY said, he considered it his duty to trouble the House upon this important occasion with a few observations. In doing so, he should consider this case in a different point of view from any Member of the profession to which he had the honour to belong, and who had preceded him in the debate. However, he would not find it necessary to enter minutely into all the evidence affecting the question now before the House. The Chancellor of the Exchequer had gone the length of making a proposition, that the testimony adduced did not go to prove there was either corruption, or any connivance at that corruption, by the Commander in Chief, but such a proposition was not in the present instance calculated to produce his own assent. This question, in its original state, was different from its present condition; for the honourable Mover proposed an Address to His Majesty upon the subject, stating the existence of certain corrupt practices, and the connivance of his Royal Highness at the same; this was succeeded by an amendment, proposed by the Chancellor of the Exchequer, and another by an honourable Gentleman on the same side of the House with himself, (Mr. Bankes). Some doubt was stated, how far it was the province of the Commons to proceed concerning his Royal Highness's conduct; but could it be in any way questionable, when it might be expedient to remove a great man from any important and official situation, but the House of Commons were very correct in taking the step they had done by the present proceeding? He would express very shortly his opinion on the subject. In that House some degree of mistake manifested itself during the discussion. It seemed to be understood they had to come to a decision there upon the guilt or innocence of the Duke of York. But they had no decision to make, nor was any decision proposed on the question, whether the Duke was guilty or not. Charges were certainly brought before the House, and they were bound to come to a decision on those charges, which was consistent with their proceedings. On this occasion it had also been said, a speedy decision ought to be adopted, in justice to his Royal Highness; but the letter of the Duke's also deprecates their coming to any decision; still he could not help animadverting upon the impropriety of sending such a letter to the House of Commons. It was the production of evil and injudicious counsellors; for his part he felt extremely sorry, and if he were to utter his real sentiments on the occasion, he had to lament the existence of such an injudicious proceeding. He wished it could be expunged from the Journals and that it could be blotted out of our remembrance for ever.—*(Hear! hear!)*—(The honourable and learned Member here read that part of the Duke's letter to the House of Commons, where he deprecates their decision.) Certainly the question for their determination was not whether there was corruption or connivance by the Commander in Chief, in the course of these transactions? Their consideration ought to be drawn to whether or not there was ground to charge him generally? He did not, after having carefully examined the whole of the evidence, find himself warranted in saying there was no ground to support distinct charges against the Duke of York, neither did he feel disposed to admit there was no truth in the evidence. If he referred himself to the testimony given by Mrs. Clarke, he was induced to suppose some credit was due to her; he did mean thereby to say that credit was due to her in every thing. In this discussion, arguments had been used, and opinions pronounced, respecting the evidence of accomplices. On this subject he was bound to declare it to be the law of the land, that the testimony of an accomplice ought to be received, and, if corroborated by a single circumstance, might convict a man of a capital crime. In a case of a robbery by three persons, the fact was the man robbed, though he saw there were three robbers, yet it was so dark he had not an opportunity of discovering their faces, or any remarkable circumstance about them, by which he could identify their persons; yet, upon the trials, one of the robbers gave evidence against the other two, and his testimony was only corroborated so far that his relation of the circumstances of the robbery, and that of the gentleman robbed, agreed together; at the same time nothing was brought home to the conviction of the two men, but by the evidence of this accomplice. The case was reserved for the opinion of the twelve Judges, who afterwards pronounced the evidence to be good and legal, and the conviction right. There was another case at the Old Bailey, where the evidence of an accomplice, with an equally small portion of corroborative testimony convicted the prisoner, and where also the question was reserved for the twelve Judges, upon which they delivered a similar opinion. Many observations had been applied to those instances of contradiction which appeared in Mrs. Clarke's evidence, and he would allow if a witness in a Court of Justice were to be guilty of palpable contradiction, even in a very immaterial part of his testimony, still he would not be entitled to credit in the rest of his evidence. Notwithstanding it appeared to him some distinction was due to witnesses, whether they delivered their evidence not upon oath, as was the case in that House, or they were regularly sworn, as in courts of justice. In point of strict morality, no difference existed, but circumstances would always have sufficient weight with the general part of society; the solemnity of a

Court and the form of an oath must be supposed to make considerable impression. Yet he was not inclined to condemn, or to say the evidence ought to be invalidated, because, when a witness is called before a large assembly, she chooses, in a part very immaterial, to endeavour to conceal where she lives. Mrs. Clarke's testimony was given at the Bar under very unfavourable circumstances: there was a looseness and levity in her behaviour, still she was fully impressed that she might suffer if her testimony were wrong; therefore there was considerable weight resting upon the whole of her evidence. In general, great objections affected the case, but they were not sufficient to set aside her testimony; and though it was admitted there was considerable contradiction, yet he formed his judgment upon the whole of the evidence taken collectively. He was free to acknowledge that Mrs. Clarke came to state a story, which on its face might seem improbable, and this grounded merely upon her testimony and that of Miss Taylor. This, however, she did, without the possibility of knowing what other testimony there might be, either in corroboration or contradiction of it; notwithstanding which, two parcels of letters had been produced, the one coming from Kennett, the other from Nicholls; on the production of which her testimony had been in a great degree confirmed. It had also been asserted, that she was the less to be believed, inasmuch as she came forward to give her evidence in the light of a prosecutor; but neither was this assertion better founded than the other [illegible] had been distinctly stated by a noble Lord in [illegible] she had been found out and brought for[illegible] this part of the case there were two points [illegible] be attended to; the one was the evidence of Mi[illegible] the other the note found at Captain Sandon's. [illegible] respect to the former, it had been objected to [illegible] racter of one connected as she was, affecting to keep a school. This objection he considered as altogether trifling; on the contrary, the fact was rather an evidence of the goodness of her character, at least with the parents of the children committed to her care, insomuch as they had all withdrawn them since the period of her unfortunate examination. But what interest could she possibly have in coming forward for the purpose of giving a false testimony? Could she be supposed, merely from the circumstance of her acquaintance with, or even obligation to, Mrs. Clarke, to be guilty of a crime, which, morally speaking, although without the sanctity of an oath, was equal to perjury? and was it therefore to be imagined her communication was to have no weight, especially when balanced against the obvious danger of giving evidence against so great a character as his Royal Highness? Would any court of justice, he would ask, weigh for a single moment such objections? If then, credit was to be given to her testimony, what did it amount to? It was argued, and that gravely, that the question stated by her to have been put to the Duke by Mrs. Clarke, respecting Major French, "How does he behave to you my darling?" meant only whether he had been troublesome to her as he had been to himself. Why, if that were the true interpretation, what had he to do, but to desire her to shut her doors against him! But if it was taken in its more natural and obvious meaning, whether he had been properly liberal towards her, this would naturally and easily explain the whole transaction. But it was agreed how improbable she should recollect a single conversation, and at such a distance of time; it should, however, be remembered she had stated, that not being acquainted with the name of Major French before then, and observing an air of mystery, she had therefore her attention drawn to the circumstance. The next point was that of the note found at Captain Sandon's, as shewn to Captain Tonyn. Of the truth of that letter he professed not to entertain the smallest doubt. If he were acting under the solemn obligation of a Juror, and that the life of a prisoner was to be the stake, he would have no hesitation in finding it to be original: he could have no doubt on the evidence. He considered it as not treating the Duke fair to assert his Royal Highness had avowed he had never written it. This must have been before the note itself had been produced; and if the note itself had been produced, he would have been as much surprized as any of them at its existence. He had known instances in which proofs had been attempted, by comparison of hands, to establish that a paper was written by a person; but never before had he known an attempt, by such a mode of proof, to establish that a paper was not written; and he only regretted he had not divided the House on the admission of such testimony, as he was confident that, however he might be in a large minority, he would have every professional gentleman in the House on his side. The note itself was evidently written in haste, and as an answer to one written to him upon business. "I have received your note, and Tonyn's business shall remain as it is;" that is, it is my pleasure it shall be so, in consequence of the note I have just received from you. He was not called on to say this was connivance, but only he could say there is no ground to charge the Duke with the offence; and this the more especially as his Royal Highness was not there in person, and upon proper investigation he may be proved wholly innocent of the charge. The next question for their consideration was, whether, in the event of their not adopting the Resolutions of the right honourable Gentleman (Mr. Perceval) they should vote an Address to His Majesty, praying the removal of his Royal Highness.

Upon this head it had been asked, would they proceed to adopt the measure of praying for his removal without trial and conviction? This he considered as unconstitutional language. Would they suffer even Ministers to remain in power till they had undergone the *formula* of conviction? Had not that House proceeded to call for the removal of Ministers, particularly of Lord Melville, without conviction, and even that for an offence committed in his former office? The House had even proceeded to expel its own Members; and yet, forsooth, they are not to address for a removal, without a previous conviction, and all this because they could not examine witnesses upon oath. Would they not put the Duke on the same footing with any other Nobleman? Because, if persons of the highest rank would accept of official stations, they must take with them all their responsibility. If then, it appeared that his predecessor, or any other in that high station, had publicly kept a mistress, and that she had corruptly taken money as a matter of public notoriety; if he were even to go out of his way to solicit places for the unworthy, in other offices than his own, were they ready to say the existence of such evils was not ground sufficient to justify them in going up to the Throne, and saying the army was not safe under such a Commander? Shall it be said at one moment that they should treat his Royal Highness in the same manner as they would any other subject? And shall they be told the next moment, will you run the risk of alteration in the succession to the Throne? For his part, he was, he believed, of all men, the least to be governed by popular opinion; still he felt, that, under the circumstances in which they were placed, they should be peculiarly careful of their proceedings, after inviting as it were, the public to canvas their conduct, by the mode of proceeding they had thought fit to adopt. Thus situated, they should be careful of the consequences, if they were found to differ in the conclusion to be drawn from these proceedings. He had every consideration for the feelings of the Royal Family, but he had more for the character of that House with the public. If it should once go forth to the world, that that House heard of corruption with indifference, if they should ever lose the confidence of their constituents, there was no saying how far-spread or how fatal might be the consequences. With respect to himself, he never gave a vote with more deep reluctance, and wished he could say there was no ground for accusation. He might reasonably expect some share of prosperity, but in perilous times like these there was no knowing what vicissitudes awaited us; but, happen what would, he could hope for no possible advantage from the vote he should then give, which was for the original Address.

The SOLICITOR GENERAL observed, that at such a late hour of the night he should abstain from going at any length into the opinions he entertained, but trusted he should meet with their indulgence, anxious as they must be to receive information even from the least capable; and notwithstanding the several opinions imputed to such of his profession as had spoken on the same side of the question, he yet hoped he should meet with the credit of sincerity in those he should offer. He proceeded to state what he conceived to be the precise question they were called on to decide; and what the form and manner in which they should decide it, as his honourable Friend, who spoke last but one did not seem to consider it rightly. The question was first, whether there existed any proof of guilt—secondly, whether the Duke of York was guilty—and, thirdly, supposing the other two, whether they should proceed by way of Address, or in what other manner? With repect to the right of that House to address His Majesty to remove any Minister, without first a conviction of his guilt, he certainly never doubted it; but he submitted whether it would not be but right to decide upon the question of guilt, before they came to the resolution of presenting such an Address? As to the Address proposed by an honourable Member (Mr. Bankes) though it professed not to convict of corruption, yet it did that of participation; and therefore he considered it as even more exceptionable than the original Address, as being more equivocal. If it were supposed that the Duke of York suspected Mrs. Clarke of disposing of commissions corruptly, and for money, to officers, however otherwise deserving, this amounted, both in morality and law, to corruption, or something worse, as acting in breach of his own regulations; on this account, he preferred the mode of proceeding by way of Resolution, to that of Address. Another objection he had to the latter mode was on account of its ambiguity; but by that of Resolution, there could be no mistake whatever as to what they specifically meant? The Address did not go far enough if there were guilt, and if there were not, it went a great deal too far. He contended not for the Prince, but the British subject. Where then was the crime in the Duke denying the charge against him, and begging for trial, claiming the right of every British subject by *Magna Charta*, to be tried *per judicium parium et per leges terræ?*—He had avoided intruding on them before, but he should consider it a dereliction of his duty, if he did not call on them to pause before they condemned without trial. He did not deny but abuses were practised by Mrs. Clarke.—She had been an Army Broker from the year 1804 to 1806, and from that to 1808. The question for the House to determine was, whether the Commander in Chief was privy to the trade she carried on? As an accomplice, he allowed her to be a competent witness, but, as such, her evidence required to be corroborated, which had not been in a single instance; from the character she had given of herself, she ought not to be believed.—*(A cry of hear! hear!)*—He meant as an army broker, whose trade was lying; how great a proficiency she must have made in the profession, when she imposed upon Donovan and other agents, who were adepts in deception, and made them believe she had influence over the Duke of Portland, from the year 1806 to 1808? And would it be attempted to be contended she had that influence? Might she not have acted in the same way, while under the protection of his Royal Highness? Had she not the effrontery to tell you, at your Bar, that Mr. Malby was her Duke of Portland, and might not Donovan or Sandon have been her Commander in Chief? and was not this made more probable by the evidence of Corri, who stated that she always intreated him to act in such a manner, that not any of the transactions should come to the ear of his Royal Highness? It is not by oral testimony that Mrs. Clarke is confirmed, but by documental evidence; even in that there was not a particle of proof, that the Duke of York had connived at the abuses committed. Then it was said there had been a few incidents accidentally found, which brought it home: if it was so, he acknowledged he had not the wisdom or ability to find them out. He then alluded to Mrs. C.'s letters to Mr. Adam, and the threats they held out. He submitted, it was impossible that it could be argued she was an unwilling witness. He would submit to the House what she had stated passed six months after the commencement of the establishment in Gloucester-place; his Royal Highness suggested to her a plan of raising £5,000 a year, by selling commissions in the army which he had at his disposal, by setting up a shop, and carrying on a regular trade. Could any Member seriously think that this was true: a person of his high rank, a Prince holding the elevated station he did, would commit himself to Sandon, and the rest of the miscreants who made so despicable an appearance before that House? He was of opinion, if he had in the smallest degree connived, that he would not have appointed such a man as Colonel Gordon for his official agent; or would it be policy of him, if he was engaged in the business of the shop, to write a circular letter to the Officers of the army, warning them against such practices? It could not be said that was inviting them. He also suggested a clause in the Mutiny Bill inflicting a forfeiture of three times the amount given for a commission, gained by illicit means. Was not this sufficient to convince the House and the country that he was innocent? To any reflecting mind it must be, when it was considered the impossibility of her raising so large a sum, when watched by Colonel Gordon and Mr. Greenwood. He had not yet heard it asserted that they were charged with corruption, and he felt assured he never would; they were men who stood too high in public estimation for the lash of calumny to reach them. Would his Royal Highness, if implicated in any improper transaction with Mrs. Clarke, knowing the talents of the woman, and knowing she had the power of damning him for ever, have solicited the right honourable and learned Gentleman (Mr. Adam,) to have inquired into her conduct as to money matters? and when Mr. Adam called on her, would she not have told him of the corrupt transactions they had been conjointly carrying on? But she never did. His Royal Highness heard her character was bad and he threw her off. Could it be believed he would not have given her her annuity if it was only to buy up the objectionable letters, if he conceived he had any thing to fear? But, knowing his innocence, he discarded her; and, still conscious of it, he asked for a trial; and could they, or would they deny it? The Constitution of the country guaranteed a trial to the poorest individual before he was condemned; certainly his high birth ought not to put him in a worse plight than the meanest of his Royal Father's subjects. He then took a comprehensive view of the whole of the evidence; and concluded by observing, that the House ought to vote him either guilty or innocent, before they came to a resolution of sending an Address up to the Throne.

MARCH 14.

The Order of the Day was read for resuming the adjourned debate upon the Charges against his Royal Highness, and the Speaker again stated the question before the House, on the original motion for an Address, and the two Amendments as subsequently proposed.

Mr. C. **WILLIAMS WYNNE** then rose; he said, that, late as it was last night, when the honourable and learned Gentleman who closed the debate had finished, it was his wish to offer a few observations on what had fallen, but he had given way to the impatience of the House. It had been observed by the learned Gentleman, that the House was in that situation, that it was difficult for them to understand whether they should say aye or no, amidst the various questions for their decision; it was, however, somewhat odd, that what he seemed to know in four minutes, the House should not be able to comprehend in four days; for his part, he saw no other mode they could adopt but that by Address. If the motion to retain the words of the original Address were carried in the affirmative, they must then take it entire, or reject it altogether; and then, in the latter case, it would be competent for any one to offer such other measure as he should think fit. Besides, the objection would equally apply to the motion of the right honourable Gentleman, who might have endeavoured to negative the original motion, or have moved the previous question on it, and then have offered his own proposition in lieu of it. The learned Gentleman had also stated, that they ought to come to the preliminary resolution before they finally decided on the main question. He conceived it extraordinary the learned Gentleman should hold them bound to one course only, when they were certainly at liberty to take any they should think fit. Indeed he had an intention, unless their vote should render it unnecessary, to move a resolution, "that it is strictly consonant with the privileges of that House, after discussing the conduct of any of his Majesty's Ministers, to act for themselves on that discussion, without referring the motion to any other body whatsoever." And for this there were many precedents, particularly the case of the Duke of Lauderdale, for whose removal they had addressed the Throne. With respect to the necessity of previous conviction, in order to removal, he could see no distinction between a servant of the public and that of an individual; would any one say, in the latter case, you must try and convict before you could have a right to discharge? Even in proceedings in courts of justice, and with evidence upon oath, although there might not be sufficient to convict, yet there might be such suspicious circumstances as to render the accused unfit to be retained in a former situation. In proceedings by impeachment, some deviation had taken place from former proceedings. The old law on this subject was, that the person was accused generally of having misdemeaned himself in his office, and the several articles exhibited on that occasion were considered as so many overt acts, which went to support the general charge. But this practice had been changed of late years, particularly in the case of Mr. Hastings, wherein the High Court of Parliament had decided upon each individual charge, instead of drawing a general conclusion. To apply this to the case of S. Carter may be thought wrong in itself, and yet not afford ground sufficiently strong, whereon to found a verdict of guilty. If, then, there were fifty such, each of them would fail individually, although on the whole, as taken together, his Royal Highness might be thought to have misdemeaned himself. There was a charge, which, in his judgment, was by far the heaviest of any other, and yet it was one which could not be made the ground of complaint, inasmuch as it was incomplete. He alluded to the negociation of the loan with Kennet. If that transaction had been brought to a conclusion by the meditated appointment of Kennet, that would clearly and incontestibly prove the charge of corruption. In the first instance, he was referred to Colonel Taylor, the Duke's Secretary; on the second interview he made application for a place, upon the recommendation of Sir Horace Mann, over whom, as a notorious money-lender, he might be fairly presumed to have an interest. The Duke upon this applies in his favour for the place of Collector of the Customs at Surinam. Now this application was either made out of extraordinary regard for Sir Horace Mann, or else he applied for what he himself was interested in the procurement of. Can the former be rationally supposed? What in that case would have been the natural conduct of the Duke? Would he not have absolutely refused to suffer the application for the place and the negociation of the loan for himself to go on together? But yet the thing did go forward, until it was discovered that Kennet was an infamous character, and in fact wholly unable to procure the loan he had promised. This then was a transaction, which, taken alone, was sufficient to render the Duke wholly unfit to fill the station of Commander in Chief. He did not mean to go distinctly through the other charges; but, thinking as he did, that Mrs. Clarke was neither so bad nor so incredible as she had been endeavoured to be represented, yet supposing her testimony to be wholly expunged, as it was contended it should be, there remained the charge of corruption sufficiently proved by the evidence of Miss Taylor; this he considered a ground of considerable weight. The learned Gentleman (Mr. Perceval) had observed, that there was, great indignation expressed by this side of the House, when she was asked the names of her father and her mother. That was not so. The indignation they had felt and expressed, was at the subsequent questions relative to her mother being confined in the Fleet Prison, thereby exposing her illegitimacy; and he firmly believed, that if the right honourable Gentleman (Mr. Perceval) had paused before he put the question, he would have abstained from it, when the question could have no possible effect one way or the other, especially if he had asked himself, would not such a question be likely to ruin a struggling girl, and bring down her creditors on her? as in fact it had since done. It had been objected to a noble Lord (Folkestone) that he had questioned Nicholls whether he had not been charged with forging a will—he had done no such thing; but even if he had, how great was the difference? The one was a question to a matter of fact, while the other was only whether a charge was made, however untruly, and, in truth, was every day's practice in every Court of Justice. Independent, however, of these, there appeared in evidence no less than six instances in which the Duke of York had suffered Mrs. Clarke to interfere. To say nothing of French's case, there was that of General Clavering, wherein it appears that the Duke allowed her to interpose for the procurement of a regiment. Instead of expressing anger at such a proceeding, he contents himself with merely saying there was no regiment to be procured. In Tonyn's case, there was the evidence of the note at length; however strongly proved, it was still considered as doubtful by the right honourable Gentleman (Mr. Perceval); a doubt he considered as the more extraordinary, after the instance he witnessed of a learned Judge, (Johnson, of the Irish Bench) in which that Gentleman had contended for a conviction, grounded merely upon a comparison of hands. By the evidence of this note, it clearly appeared she had not been checked as she ought to have been, for her improper interference. The next case was that of S. Carter. It seemed to be the wish of some Gentlemen to put this case out of the question, inasmuch as he having now served four years, and with credit to himself, the original degradation had been washed away. This doctrine may do very well in novels and romances; but even in these, is the advancement of the favourite hero made to depend on such a woman as this; is it not rather always owing to his own merit? But where one sees him serving at her table, and behind her carriage, and the next week seated at the same table with his Colonel, as if he were his own son, one could not repress the indignation such a measure is calculated to excite. But it was said there was a reduction of the Army going forward at the period he was first recommended, and that therefore he could not be promoted; but even if there were, there were also promotions, and if there had existed the desire to serve before Mrs. Clarke had taken him up, it could surely have been done. This appeared not only by her testimony, but also by his letters. This appeared to him one of the heaviest charges that had been brought against the Duke, as evincing the unbounded influence she possessed over him, to do any thing she pleased, however improper. Of the case of Dr. O'Meara, he would say nothing—it was a disgraceful information, and he would pass it by in silence. In Dowler's case, he was ready to admit, her evidence was not to be received without corroboration; and he, for one, would give his vote without being influenced by a word of her's. How did Mr. Dowler's evidence stand? It was said he was her paramour, and had expended large sums of money on her; and that therefore it was to be concluded the 1000l. was not to be supposed to have been given for his appointment. It was also objected to his testimony, that he had not stated his having slept with her. But what, he would ask, must those feelings be, that could state such circumstances, except the question was put so direct that he could not avoid answering? and even if a little equivocation on the subject were observed, he should consider it as in some degree to be excused. He had stated, that he had not made application to any one but Mrs. Clarke; it certainly was odd, if the fact were otherwise, that no trace whatever was to be found among the papers in the treasury of such application, either by Sir Brook Watson, as alledged, or by any other person; not to mention the circumstance of his father and Sir Brook being of opposite sides in politics. These, then, were the instances of improper interference allowed on the part of Mrs. Clarke; and if any one should be found in future in the like situation, it was natural to suppose that the officers of the Army would expect the like conduct; the consideration was not so much as to the past, but the future; as affording encouragement to a repetition of the offence, It was said his Royal Highness was so thoroughly sensible of his conduct, that there was no danger of his falling into the like error; for his part, he was free to say, he had no such confidence; upon all these grounds he thought the Address was right. After however having heard evidence at their Bar, and after every defence the activity of agents and the zeal of counsel could devise, it was hard to say, after all this, that they should be called on to bring it to another trial.

Mr. CROKER stated, that the difficulties under which he rose being so numerous, as well from personal indisposition as from the exhausted state of the subject, that he trusted the House would favour him with their indulgence whilst he should deliver his sentiments. An indulgence, which, as he deserved the less, he needed the more, and never so much as on this occasion. He was anxious to have followed the honourable Baronet who spoke last night, but being then prevented, he should take the present opportunity of making some observations upon the insinuations which that honourable Member had made against the line of conduct which had been pursued during the discussion of that important subject. The honourable Baronet had been pretty profuse of his advice to Gentlemen on his side of the House, and had not always cloathed it in the most modest and conciliatory terms. If he could venture to imitate the honourable Baronet's example, and offer unlooked-for counsel, he should tell him, that the speech he had lately delivered was the least brilliant and effective that he had ever heard from him; and that it seemed to him that the pleasantry and wit which the honourable Baronet had attempted, was neither of a style or merit to do him much credit, and his newly acquired humour did not certainly become him so well as his former declamatory seriousness; but the honourable Baronet was not, he was aware, without his object in assuming the tone he did. On Gentlemen belonging to the profession of the law, he had exercised his powers (no very successful ones indeed), of ridicule, and had denied to them almost the common faculties of reasoning men; he had attributed to their minds a professional bias, a kind of warp, that rendered their sentiments not only unworthy of respect, but absolutely deserving, if not of reprobation, at least of suspicion; this in the honourable Baronet was not unartful; his opinions were indefensible on any grounds of law or justice; his objects were at variance with all the settled principles of the Constitution, and he therefore felt it prudent to deprecate the suffrages of those, whose learning would direct, and whose eloquence might expose his errors. But was the study of the law the only one of all the employments and businesses of mankind which imparted a peculiar character, and fixed an indeli- [illegible] mark on the human mind. Did the honourable Ba- [illegible] instance, not feel that the trade of being a can- [illegible] affect the sentiments of him who had pursued [illegible] habit of flattering popular passions had been so violently executed, the honourable Member said, that he was sure the one observation was as well founded as the other; and, on a judicial inquiry, he thought the country would naturally look to the judgment of those who had made the comparison of evidence the principal study of their lives—when the question was to determine upon the credit of witnesses, and the weight of testimony, he thought the practitioners of Westminster Hall entitled to at least as much confidence, as the orators of Brentford and Covent-Garden. But he wished more particularly to call to the notice of the honourable Baronet a circumstance, which had been mentioned during the examination, which involved the name of the honourable Baronet, which he did not himself believe, but as he (Sir Francis) had not, to Mr. Croker's great surprise, explained, nor contradicted it to the House in the course of his speech, he should state the circumstance, merely that the honourable Baronet should explain, although it was his firm belief that Sir Francis had never made the offer to Mrs. Clarke, which he believed she had pretended. When Mr. Donovan was under examination, he mentioned, under an apparent agitation of spirits, that Mrs. Clarke told him that she had been promised 4000l. by the honourable Baronet for the papers in her possession, which she refused to give up under ten thousand pounds; but Mrs. Clarke in her examination denied having ever been made such an offer, or having mentioned it to Mr. Donovan; but in her letter to Mr. Adam, she said, that if her terms were not complied with, she would deliver all the letters in her possession to two Gentlemen, without naming them, however, but whom she stated to be as positive and independent as the Duke, and acquaintances of Mr. Adam; so that her letter corroborated every syllable of Donovan's report of the transaction, except that to Donovan the names of the persons were given, and to Mr. Adam only the description, but a description almost as accurate as the names would have been. That was a fact of some importance, and he trusted the honourable Baronet would inform the House whether he was one of the Gentlemen then alluded to. After the many able speeches which had already been made, it was not his intention to go over all the evidence, he should only mention such parts as were striking. The conduct of Mrs. Clarke appeared to him to be infamous and detestable in the highest degree, and it was a matter of astonishment that some Gentlemen should take so much pains to make her testimony appear to advantage. She was perfectly aware that the evidence of an accomplice, voluntarily given, would be received with great caution, and on that account she pretended to give her evidence on all occasions with great reluctance, in order to give it greater weight, and enable her to atchieve, and with this design, with this fraud on the front of her evidence, she had not feared to offer herself at the bar, a false witness in her heart before even she had opened her mouth. He could not hear, without indignation, the praises lavished on this woman; her talents were audacity, and her wit falsehood; but she was not merely audacious and false, she was not unartful in her boldness, nor thoughtless in her fraud, and did not neglect taking advice as to the most proper mode of conduct for her to adopt. No doubt she had good advice, and her apparent reluctance, her pretended unwillingness to betray the Duke, were the fruits of it. If, indeed, she had been what she represented herself, an accomplice, unwillingly dragged to your bar, a witness anxious to forget her wrongs in the remembrance of former affection; a woman injured basely, deeply injured, but bearing no malice for the injury, and desiring to requite them only by discretion and silence; had she been any thing of this, every word she uttered would have stamped itself on their minds; every spark of evidence that was drawn from her would have been a flash on their minds, and a torch of shame to the illustrious, but in that case convicted, criminal. Had she been an *indifferent* witness, without interest or feeling in the cause, she would have had an overpowering effect. But as it was, with malice rankling in her heart, with falsehood on her tongue, and impudence on her forehead, what man, he would not say what lawyer, their opinion the honourable Baronet considered as nothing, but what honest man would credit so profligate a witness. But she was not only a witness, she was a procuress of witnesses; it was in proof that at the hour she was representing herself as unwillingly implicated in the accusation against the Duke of York, she was in fact ranging the town to procure evidence against him, and when she had found the persons fitted for her purpose, she employed her so much admired talents in refreshing their memories to recollections suitable to her views. In the pursuit of those views, she had ventured every thing, nay she had even dared to contradict to his face the honourable Gentleman (Colonel Wardle), who was conducting the charge.—She pretended that the letters taken away from her by him, were taken much against her consent, and that they had most of all led to this unfortunate inquiry; which could not be the case, because they did not at all relate to the conduct of the Duke of York, but mentioned only the Queen and two Deanries. Those letters, however, the honourable Member produced, and he was extremely happy at the circumstance, because, in his opinion, they gave a death blow to the whole prosecution. They were dated in the month of December 1808, upwards of two years after she had separated from his Royal Highness, and evidently proved that at that very moment she was carrying on a corrupt traffic, when she could have no possible influence with the Duke of York. Being asked whether she made use of the Duke of York's name in these transactions, she answered as she would have done to the same question, if it had been proposed to her while she lived at Gloucester-place; why indeed she rather believed that people did not think that she had influence with the Duke.—The audacity of the witness, which had been termed flippancy, was scandalous and disgraceful. It appeared to him strange that any Member could think of putting the evidence of Colonel Gordon on a level with that of Mrs. Clarke, as the honourable Baronet and the noble Lord had done, and which he could not account for. It seemed as if they were affected with a disorder similar to that of some sick persons, who [illegible] for what is indigestible and hurtful, and always reject what is wholesome and good. They blamed that honourable Officer for what they termed concealing a paper containing the name of Colonel Brooke, till nearly the close of the investigation; but he would ask Gentlemen whether that paper had not been produced in its proper place? It related not to Knight and Brooke, but to Colonel Plegdell and with Plegdell's papers, according to the regularity of Office, it was of course deposited; would the noble Lord and his friends have the paper in two places at once; or would they have placed only in that bundle of papers to which it had no relation; the paper comes out in its fit time, and in its regular course. But Colonel Gordon's pencil-marks are mentioned with a sneer, a silly sneer, as if it were easier to add a pencil-mark to a paper than one in ink; the pencilled note was unfavourable in its first aspect to the Duke, and therefore instead of its being added to the paper, it would better have become the honourable Gentleman to wonder why it was not obliterated; *that* object, its being in pencil, would have facilitated any other, would it not, and therefore if any use was to be made of this argument, he would ask, was it not rather a proof of Colonel Gordon's honour, that he did not even obliterate the mark, which Gentlemen had contended to bear so much against the Duke (*Hear! hear!*). He did not mean to assert that there was any great integrity in Colonel Gordon's preserving the writing in pencil, but, as insinuations had been made, he thought it fair to argue, that had Colonel Gordon any secret intention of clearing the Duke on that score, the case, which was afterwards clear and satisfactory, would at once have been so, and precluded all discussion upon it. Next, where was the [illegible] of Colonel Gordon in his evidence with respect to Captain Maling, when it was well known the [illegible] of the circumstances [illegible] attached to the Gentlemen in Colonel

Gordon's office? Colonel Gordon was asked about a Captain Maling, who had been in Mr. Greenwood's office, who had received three commissions very rapidly, and who finally was a Captain in the Royal African Corps, and the noble Lord would have expected him to answer concerning a person who never had been in Greenwood's office, who had *not* received three commissions rapidly, and who was not in the Royal African Corps. It was not surprising that the honourable Baronet and the noble Lord had disapproved of Colonel Gordon's evidence, but it would be indeed surprising if any other Member of the House would do so. Surely the evidence of Colonel Gordon was decisive against that of Mrs. Clarke, not that the oath of a person of rank was preferable to a person of humble circumstances, but where evidence was taken without the sanction of an oath, persons of rank had certainly the best title to credit; Colonel Gordon spoke with all the responsibility of his high character, a responsibility not inferior in honourable minds, to that imposed by legal forms. But Mrs. Clarke was neither bound by the sanctity of the law, nor restricted by any deference to society; to speak falsely was no new dishonour to her, she came to give her evidence careless and unsworn, unless she might be said to have laid her hand on that large volume of malignity and revenge, her heart; and to be sure it was not surprising that those who patronized her, should have contemned equally the humble veracity of Mr. [illegible] and the high-minded honour of Colonel Gordon; they despised morals in the law, and [illegible] and would only credit this woman, who had neither morals, integrity or truth. If the proofs were once considered the merits of this [illegible], this incontrovertible witness of the noble Lord's, [illegible] person, that but for her sex she would have been [illegible] prevarications and misconduct by the side of Captain Sandon in Newgate. Her gross prevarication and misconduct would undoubtedly have sent her as a companion to Captain Sandon, had not her sex alone protected her. He could not find an expression in her whole examination that was not evidently founded in falsehood. She had artfully introduced circumstances which had no other tendency than to excite pity, and place the Duke in a disgustful view. It appeared to be a drama to the honourable Baronet, and so it was, for it had plot and fable, and assumption of character, but it had no truth or reality in it. The honourable Baronet had said she might as well have written Macbeth, as have invented this story. Also her story had but too many anologies to that celebrated play, ambition and revenge the motives; and a dagger in a royal heart, the result of the plot; in both there were dark contrivers, and juggling friends, "to poltar with us in a death scene," and had, by their falacious testimony, the overthrow of moral order, and civil society. But Macbeth was written to discourage such crimes, to affrighten mankind from such atrocities, Mrs. Clarke's drama was framed to further the cause of vice and celebrate its triumphs. He expressed his abhorrence at Mrs. Clarke's presuming to say that the Duke of York had advised her to plead her coverture by a confidential friend of his, as by a striking stage trick she called Taylor, the Shoemaker, who was her own Messenger to Greenwood, and not as she had most falsely suggested, the friend and messenger of the illustrious Duke. Was not that colouring attempted to be given the conduct of his Royal Highness most disgusting and abominable? On being asked the reason of her separation from his Royal Highness, she again had recourse to her malevolent disclosings of truth, and stated that the Duke had advised her to defend her tradesman by pleading her coverture to her debts, and that he dismissed her because she had had the honesty to refuse her compliance in so base a scheme: but what was the fact? her own lawyer, Mr. Comrie, was examined, who directly contradicted her, and said, that it was because she had so infamously pleaded her coverture, that the Duke had parted with her. Thus, by attributing her own crimes to the Duke, she represented him as the most flagitious of men, but fortunately the tail recoiled on herself, and proved her to be the most flagitious of women. He lamented that such imputations should be made against the Duke of York, but he lamented still more deeply that she who made them, should meet encouragement and praise. The former was an inconvenience to society, but the latter was a most stupendous evil. Innocence when slandered, will in time do justice to itself, and all will be right again; but to flatter vice, to abet falsehood, is to produce more vice, and greater falsehood. Place profligacy in a triumphal car, and the brains of thousands who see the procession, will be dazzled at her success. Humble honesty will despise itself, and crouds of imitators will aspire to the disgraceful splendour of victorious vice. She had the effrontery to say that it was the Duke of York who had the boldness to suggest the iniquitous transactions into which she engaged, telling her that if she was clever, she need not want for money, for she had more interest than the Queen. Good God! could such an assertion be believed? Could his Royal Highness so far forget himself as to make such a scandalous proposal? disgraceful to him at once as a man, as a prince, as a son. A more detestable proposal, one uniting more traits of depravity never could have been [illegible] (*Hear! hear! from the opposition*), Mr. Croker was glad of this applause, he hoped that the same good feeling [illegible] prompted it, would also be apparent when he came to shew that the Duke was innocent of this baseness, and to visit upon Mrs. Clarke the vengeance due to so detestable a calumny. The greater our horror at hearing such things attributed to the Duke, the greater will be our indignation, if they are found to be false, at the inventress of them. See then how the case stands. Mrs. Clarke says this hint of the Duke *first* put her on trafficking in commissions, and that it was given about five or six months after she went to Gloucester-place; but observe the cases of Tonyn, Spedding, French, Loudon and Bacon had occurred, some of them before she was one month, *all* of them before she was three months in Gloucester-place. She says besides, in another place, that her first thought of traffic was excited by persons applying to her. If then this matter was first suggested to her by persons so applying, and if we find that by much the greater part of her commerce had been prior to the time at which she says the Duke suggested to her these means of peculation; it follows that her representations are altogether false, or that truth and falsehood are inextricably mixed up in her story. For his own part he believed the former to be the case, but those who thought the latter, would surely not go so far as to believe those parts of her testimony in preferance, which were the most incredible, and the most directly contradicted by others, and by herself. If the Duke of York is to be thus tried, if the grossest improbabilities are to be presumed against him, if the contradictions, the equivocations, the lies of his accusers are to be of no avail for him, the result of the discussion is as little doubtful, as the opinion which he thought the country would entertain of a result built on such foundations. She says also, the Duke could not be ignorant of the expences attending her establishment, as the money he allowed her could not pay the servants' wages and their livery. It was a fortunate circumstance however, that the House knew she only kept two livery servants; and he would appeal to the noble Lord, whether his economy could not make 1000l. a year pay the wages, and find them liveries.—The honourable Member took then a view of Samuel Carter's case. With all her professions of attachment to this young man, her conduct had by no means been favourable to him. Who was it that had called him the footboy? It was Mrs. Clarke herself, in her description of him to the honourable Gentleman who had moved this business, for he believed that the honourable Member would have made use of no expression to degrade the character of this young man, had he not been led to do so by the testimony of Mrs. Clarke. But this testimony did not coincide with that of her servants who had been adduced as witnesses in this case. The evidence of Loudovick, though not directed to this point, was, on that very account, of great weight! In his examination on the 2d day of the inquiry, before Carter's name had been thought of, and before he could have had any sinister object in giving his evidence, he had stated Mrs. Clarke's establishment of men servants at Gloucester-place to have consisted of one butler, one coachman, and one footman, and no more. Here then was no mention of Carter, though if he had occupied a menial station in the house, there was every reason why Loudovick would have, at that time, included him in his answer. Mrs. Clarke's own servant involuntary corroborated Loudovick; they came, indeed, to state that Carter was a servant, but the circumstances which they adduced were all at variance with that fact; what marks of servitude had he upon him? Did he receive wages; no, Mrs. Favery herself acquits him of that.—Did he wear livery? no, the livery servants themselves admit that he did not.—But then a coachman was called (and be it observed, that this man was lately retaken into Mrs. Clarke's service), and he said boldly, that Carter was in the habit of going behind the carriage; this to be sure, was strong; but just as the witness was withdrawing, an honourable Gentleman thought of inquiring, how often Carter had gone behind the carriage, and then this coachman answered, "only *once* or *twice*." A strange sort of *footman* this who receives no wages, wears no livery, and in the course of twelve months service, goes behind the carriage but once or twice. Is it possible that he was indeed a footman? and is it not, admitting he did once go behind the carriage, an easier solution to say that this boy, then about seventeen years of age, might once in a *giddy* frolick have gotten up behind the carriage.

If he was a regular servant, and considered as such, why was he not found more frequently in that situation? It was worth while, however, to examine into the circumstances more particularly. This boy had been represented by Mrs. Clarke as a menial servant: when did he enter this situation, or how long did he continue in it? Mrs. Clarke, it seems, went to Gloucester-place on the 16th of March, and Samuel Carter was gazetted on the 21st of the same month. Samuel Carter was admitted not to have been with Mrs. Clarke till she went to Gloucester-place, and she was not there five days till he was gazetted. If ever he was her foot-boy, therefore, as she has stated, it must have been during the time that he was also in the army. Mrs. Clarke, however, in her evidence cannot charge her memory with particular dates, as if it were a matter of no consequence to her when she went to Gloucester-place, under the protection of his Royal Highness.—Did the House believe that she could look on this event with such indifference that it left no trace of the time in her memory. The whole of her evidence had been much of the same nature. She could not recollect when she went to Park-place, to live with his Royal Highness; she could give no dates on the subject, as if these events had been to her matters of mere indifference; as if living with the Duke of York had been a mere ordinary circumstance, and not worthy of recollection. She, like the celebrated lovers, wished "to annihilate both time and space;" but however much it might be her interest and object to compound and forget dates and times, it was the duty of the House to be very particular in this respect. Dates were the touchstone of evidence, and the landmark, as it were, to guide them in this inquiry. It might not suit her purpose to recollect dates; but it was very necessary for the House to make a very attentive comparison of those minuter circumstances. The testimony of dates was invariable; they were indelible and eternal monuments, and when all means of detection might fail, often led to the discovery of the hidden schemes of malignant accusation, and concerted plans of revenge. The witnesses which followed Mrs. Clarke in corroboration of her testimony, seemed all to be affected with the same shortness of memory as herself with respect to dates, and cautiously avoided involving themselves in any of these difficulties that a circumstantial reference to dates might create. Miss Taylor, too, did not recollect dates, but she had an admirable memory for one solitary conversation, which from its nature and circumstances was not very likely to have impressed itself upon her; but to be sure, with the assistance of Mrs. Clarke, she had brought herself to a most clear recollection, not only of the matter, but also the words; and above all, of words of endearment, which, if she were really in the habit of living with the Duke and Mrs. Clarke, would have been so familiar and ordinary as not to attract her particular notice. This feature, in fact, pervaded the whole of the evidence that had come forward to support Mrs. Clarke. They all forgot place and date, which was most certainly no recommendation in favour of her witnesses, and which through the whole of the inquiry, and particularly in the case of Carter, had a manifest tendency to mislead the House, and prevent their coming with that case, with which otherwise they might, to a positive negative of her allegations. Mrs. Clarke had represented Carter as an orphan boy; but she had not said when Captain Sutton died, and at what time this young man was left in that situation. It was certain, however, and it had appeared in evidence before them, that this young man had obtained his commission while Captain Sutton was still alive; and it was most probable that he had continued to live with Captain Sutton till the 21st of March, 1804, the day on which he was gazetted; and it appeared that his Royal Highness had received the thanks of Mr. Sutton for the commission given to his protegé. In her representation of this case he was convinced that Mrs. Clarke had given a proof of her character and disposition which could make no very favourable impression on the House. This circumstance alone shewed how far her resentment against the Duke of York was capable of leading her. She had taken care, however, that this injured young gentleman should be absent, and while he was serving his country, honestly and faithfully serving his country, in a distant and unwholesome climate, had taken this opportunity of casting imputations on his character, which, had he been present, the honesty of his nature would have revolted against, and he would have, no doubt, explained satisfactorily the circumstances that had been so much perverted by this treacherous friend. It was observable, indeed, and he requested the House to take notice of the circumstance, that all the officers whom she had mentioned in the course of this inquiry were either absent or dead. Mrs. Clarke, it appeared in her evidence, had furnished Samuel Carter with sums of money, and therefore she had thought she had a right to make use of his name to serve her own purpose. Gentlemen had eulogized the good feeling of Mrs. Clarke for raising this boy from humble rank to the station of a gentleman; he could see nothing to praise, but every thing to abhor in her conduct, for endeavouring to degrade a gentleman to the rank of a footman; and to add to this injury the insult of pretending that she had been the unwilling instrument of the honourable Gentleman, who in fact had been by false pretences, induced to become her's. It was a case of that nature, that there was every reason not to bring it forward, even supposing it had been true to the utmost extent. This circumstance was another proof how much Mrs. Clarke was at a loss to make out such cases as would contribute to the end she had in view. He did not blame the honourable Gentleman for bringing forward the case as it stood to him, and was sure that had Mrs. Clarke told him the truth, the honourable Member would have been the last man in the world to create [illegible] by a discussion of this nature, to an individual to whom no guilt appeared to have been [illegible] connexion with Mrs. Clarke, of whatever description that connexion might be. After what he had said, and on the grounds he had stated, he trusted it was unnecessary for him to say more on the case of Carter. With respect to the exchange between Colonel Knight and Colonel Brooke, that case was admitted by the Gentlemen over the way to have been already satisfactorily explained. He would not, therefore, say more on this head. The case of Captain Maling, he thought, had been equally explained, and required nothing farther in vindication of his Royal Highness; and as there was an admission of the propriety of the conduct of the Duke, he should not stop merely for the purpose of commenting on the inconsistency of the original accusation, or on the failure of the subsequent charge, attempted to be superinduced upon it. With respect to the cases of Spedding and Tonyn, (for as they were contemporaneous, he would consider them together,) there existed circumstances that convinced him of the falsity of Mrs. Clarke's allegations. These two officers applied to her, as appears in evidence, many months before she even pretended to take a step in their behalf, though she was, during all that period, in the greatest distress for money, yet she does not attempt any thing in their favour; at last, however, after three months' delay, Tonyn became impatient, and wished to retract his securities; then, indeed, she finds it necessary to begin to appear active; then she deceives her agent, Sandon, to say "that she has spoken to the Duke, and that he has promised to do it." One now expects to find it done immediately, Oh, No! the Duke is so busy, that though he has promised it, and "*that the thing is done*," to use her own words, it cannot be compleated for a month; but then she confidently promises success. In the mean while General Tonyn had applied in his son's favour; a large augmentation of the army takes place; Colonel Gordon of his own accord includes Tonyn's name in the promotion, because he had been placed on the list in consequence of his father's application; and early in August, six months after Mrs. Clarke's interference had been promised, Tonyn, with upwards of fifty others, was gazetted Major. But what in the mean time became of poor Spedding? Spedding, who was to give her 700l. for the majority, while Tonyn gave but 500l., Spedding is neglected; but, at last he too gets impatient, then something too must be done to hold him on, and she writes to Sandon that she has spoken to the Duke, who desires Spedding "to write for what he wants, as that is best." The Duke wished to promote Spedding, but was so cautious that he desires him to send in an official memorial, under colour of which he would do this disgraceful job. Well, Spedding does write in, and of this very memorial, which he himself had planned and dictated, of this very memorial that was to excuse and cover his corrupt partiality, what notice does the Duke take? he writes in it *a refusal*, and nothing was ever done in consequence.—Good God! who can think that the Duke was a party to this? Those who entertain such an opinion must imagine that his Royal Highness had put himself into Spedding's power, with no other object than to provoke the exercise of that power, by disappointing expectations which he himself raised. But what, in fact, is the clue to all this confusion? it is this, that this artful woman and her associates, by a variety of devices, kept officers hanging upon her; and she took the chances of their being promoted in the mean while by their natural interests or merits. She tells you she had hundreds and hundreds of applications, and her instances of alledged success are four or five;—like insurers in the lottery, she took her chance of what might come up; in the thousands of names that are annually gazetted, some of her dupes might be drawn. The shortest time that any person appeared to be on her books, (except Knight, whose case was admitted [illegible] already explained,) was six months, and with all this delay, and all these chances, what success had she to show? In August, 1804, a gazette came out containing upwards of two hundred promotions, and fortunately for her, Tonyn's name was in it,—that to her was a prize of 500*l.*

But unfortunately, a greater prize, viz. Spedding, lay undrawn at the bottom of the wheel. What! in such an augmentation of the army, in the promotion of two hundred officers in one day, Mrs. Clarke, the favourite, the *accomplice*, of the Duke of York, pretends even to have made but *one*. But *one*, and that *one*, whose father, an old General officer, had had a promise for him; but *one* who gave her only 500l. when she says, that many others had promised 700l. for the same promotion; but *one*, in short of the hundreds that applied to her, and of whose money she declares herself to have been so greedy; it must be allowed that it was a most unlucky day's drawing, and one that ought to have taught those who had insured with her, if such persons were to be taught, that her lottery was of all lotteries the most fallacious and delusive. But she had not yet done with Spedding, his name might come up next, and accordingly his patience is protracted by various devices to the month of November. When finding that this Duke, who had promised so largely, is doing nothing for him, he applies to his Colonel to procure him leave to go on half-pay. Then comes the storm of female rage and disappointed avarice; read Mrs. Clarke's letters to Sandon,—"what can Spedding mean by asking for leave to go on half-pay? 'tis odd behaviour, and you must think that some one thinks me used *very ill*; of course, 'till this is explained fully, I shall think of nothing else." Alas! poor Spedding, your hour is come at last; you have aroused the Duke and his mistress; his Royal Highness had reckoned on your money to enable him to support his establishment, you have deceived him; and the all powerful Mrs. Clarke vows her vengeance against you: you are undone, you will not be allowed to retire on half-pay; you will be ordered on distant service, and nothing but the immediate payment of the 700l. will now avail you. But no! this Duke is a most extraordinary man, when he promised Spedding favour, and expected his money, he refused the very request he desired him to make; and now that he is enraged at him, and that his mistress can think of nothing 'till she is revenged, he grants him his request. So it was,—in spite of Mrs. Clarke's rage for the loss of her 700l. Spedding's application was complied with; and after all his attendance on Mrs. Clarke, and all her assurances, the only favour he appears to have ever received, is one that is directly contrary to her wishes and her interests. In speaking, then, of Captain Spedding, the honourable Member did not mean to say that Captain Spedding had been guilty of all these practices; his argument was, that Mrs. Clarke had thus stated the case, and that on her own shewing there was a miserable failure, and a complete disproof of her alleged influence; and, if indeed, Captain Spedding was ignorant of this negociation, it only strengthens the argument against Mrs. Clarke, by proving how wantonly and groundlessly she used the names of officers, and how probable it is that her other charges stand on no better foundations than this.

Who then would say that Mrs. Clarke had that influence she pretended to? Were he sitting in a Court of Justice, the case of Spedding alone would be enough to enable him to make up his judgment respecting her pretended influence. That alone would be sufficient to convince him that her pretences were false. Here was a failure which could not be accounted for but from the utter want of influence on the part of Mrs. Clarke. He did not think it necessary to enter into the cases of Elderton and Kennett, they were so remote, from the general nature of the charges, and so little connected with the Duke's public character, as Commander in Chief, that he should not take up the time of the House in any inquiry into these subjects. With respect to Colonel Taylor, whose name had been mentioned in one of Mrs. Clarke's letters, he stated, that this officer had been nominated to his promotion by Lord Mathew, whose right it was, as Colonel of a new levy, to do so, and whose honourable motive in doing it no man could doubt, who knew the noble Lord's character; but Mrs. Clarke's letter says, that the Duke would not consent to let Taylor get on by the Irish levies, but would permit him to do so by purchase. Now, unfortunately for Mrs. Clarke, the reverse was the fact, and it shews how loose and uncertain her information was, even when she spoke most confidently:—the Duke had refused to let Taylor get in by purchase, and had consented to his doing so in the Irish levy. He would not dwell on this case, but he requested the House to consider its facts, and he was convinced no one case offered a more certain disproof of Mrs. Clarke's influence over, or even knowledge of, his Royal Highness's measures. His interference in favour of those men, might or might not have been decorous, but it was no interference in right of his office, and, of course, not within the present bounds of the inquiry. The case of Doctor O'Meara was similarly situated, and of this case, some letters on the table, which, however, had not been proved and read, gave a satisfactory explanation; into which, however, as those letters were not printed, and as the whole subject was foreign to the matter of the charges, he declined entering. With respect to the case of Colonel Tucker, all that Mrs. Clarke recollected was that his name was one of a long list that had been given in to her: but why did she recollect the name of Tucker alone out of so many? Why did she select him as the object of her accusation?

What pre-eminence had he over others, to recommend him to her malice? Her reason was natural, her motive obvious and characteristic; Colonel Tucker was *dead; (Hear! hear!)* after the most meritorious and honourable service in Spain, he was returning to his native country, and, in the very sight of that country, was shipwrecked, and unfortunately perished. The waves that swallowed him, had not yet given up his body to the funeral honours that awaited him, when this woman took advantage of his fate to tarnish his honour and degrade his memory; but Colonel Tucker might, in his last moments have exclaimed, "*non omnis moriar*;" he died, but honourable character and fraternal piety survived him. His brother had nobly thrown himself between calumny and the memory of the departed, and the feelings that prompted, and the success that had attended this appeal, were equally worthy of the dead and of the living; of him, to whom this posthumous duty was paid, of him by whom it was paid, and of this House who had received it with so much generous sympathy. *(Hear! hear!)* This was a case too worthy of Mrs. Clarke, it was one that she must have selected with pleasure; to trample on the grave of a gallant soldier; to brand him with dishonour, when he could not raise his voice to contradict her; and was this the witness, he asked, of whom they had heard so many panegyrics, *(hear! hear!)* and whose truth and virtue, it had been said, made the weakness of sex excusable, and whose humanity had been represented as extenuating her frailty and her fault? The honourable Member then proceeded to the case of Colonel Shaw, which had been represented as a case of peculiar aggravation. From Mrs. Clarke's evidence it appeared, that the Duke of York had first sold this officer his appointment to the Deputy Barrackmastership at the Cape, and afterwards, from the meanest motives that could possibly be attached to human conduct, from participating in the resentment of his mistress on pecuniary grounds, had deprived him of its advantages, by reducing him to half pay. Should this case, however, of peculiar aggravation, as it had been called, be found to be wholly without foundation, what opinion were they to entertain of such a witness, and how little dependence could they place on her other testimony? Mrs. Clarke has produced a letter of Colonel Shaw's, on which he had no doubt she had been induced to found the charge. He could, he said, if it were necessary, prove from the context of that letter, that Mrs. Clarke had not gotten him his appointment, and that the service for which he gave her the money, she never performed, namely, getting him put in full pay. General Burrard's letters and Colonel Gordon's evidence had sufficiently shewn the falsehood of Mrs. Clarke's colouring of this case. But there were some circumstances in it which obliged him to call it to the more particular notice of the House, less for the purpose of explaining the case itself, which had already been done, than for that of shewing the flagrant falsehood, with which Mrs. Clarke had constructed her accusations. This woman had stated, that on her being disappointed of the sum Colonel Shaw had promised her, she complained to the Commander in Chief, who told her that he knew all along she had had a bad fellow to deal with; and that to punish him, he would place him on the half pay, which, Mrs. Clarke says, was accordingly done: "How much a plain tale shall set her down."—It appears by her own admissions, and by the evidence of Coutt's books, that the ground of Mrs. Clarke's resentment did not occur till after the 9th of May, 1806, whereas Colonel Shaw was put on half pay on the 8th of the same month; so that the punishment inflicted on the poor Colonel must have taken place before the alledged offence. (*Hear! hear!*) But this refutation was not (though so unanswerable) the only one. Mrs. Clarke says, she, in consequence of her disappointment, complained to the Duke of York; but the House, ill as they must by this time think of her testimony, will be astonished to hear, that after her alledge ddisappointment she *never saw* his Royal Highness; the separation had taken place on the 6th, 7th, or 8th of May. Mr. Adam says, that he laid the result of the inquiries into Mrs. Clarke's conduct before the Duke, who then came to a final determination to part with her for ever; accordingly, as appears in another part of the evidence, he went down to Oatlands, and never saw her after; and on the 11th of May Mr. Adam had an interview with Mrs. Clarke, at which the separation was definitively established. This was no inferential evidence, no argumentative deduction. These were plain facts and certain dates. Wisely had Mrs. Clarke and her followers avoided with such studied equivocation, to recollect dates. We may judge by this example how her story would have borne that unerring test. It cannot now be argued that the Duke made his high office subservient to this woman's revenge.—That now stood on clear and immoveable grounds. Mrs. Clarke's evidence was now indeed "incontrovertible;" *incontrovertibly false*. The noble Lord himself could not now hesitate upon this case, but from this he did not mean to argue, only that this particular case was disproved. He meant to carry it much further, and to argue from this [illegible] because of [illegible] Mrs. Clarke was not [illegible] without circum[illegible] having failed [illegible] and so vehement [illegible] and which affected [illegible].

In cases of *defence* a person might fail from want of the proper attention, perhaps from want of ingenuity, or from a want of the necessary evidence, which he could not command, and at the same time, from such a failure in one case, they were not to judge that the defences of other points were equally weak; but he contended, that in cases of *accusation*, the matter was very different. Here the accuser had time to arrange and select his cases, and was required to bring none forward that he could not substantiate. It was to be supposed, in such circumstances, that he would adduce no charge that he could not make good, or which, at least, did not carry the appearance of truth along with it. If, then, the accuser should fail in one of his most important charges, and discover an attempt to impose on them by the most false and unbounded pretences, he asked them if they were not warranted to reject the whole? This was precisely the case with Mrs. Clarke; she had been found to falsify most grossly, in one of the most important charges, —in a charge which was held out against his Royal Highness as one of the most aggravated nature; and if in this she had failed, what credit were they to give her in the other charges, where circumstances perhaps rendered it less easy to get so completely at the truth? Mrs. Clarke must have weighed this case as well as the others, and must have equally known its truth or falsehood, and if it appeared that she, knowing it to be false, had, notwithstanding, brought it forward with as much confidence as the other charges, they were entitled certainly to discard the whole, unless supported by other evidence independent of her testimony. It appeared that Colonel Shaw's letter had fallen into her hands, and there being no date of the year to it, and being of a nature that might be variously interpreted, she had determined to found on it this accusation. It is now known, that this letter was written a fortnight after the separation from the Duke; and, if it were necessary to examine so minutely, it would be seen that even the very words of the letter were at variance with Mrs. Clarke's representation; it speaks the language of reproach and not of excuse, and seems to upbraid Mrs. Clarke for having neglected his interests after she had received his money. But this examination is superfluous. The dates, the facts form such a mass of contradiction to Mrs. Clarke, that he hardly supposed the noble Lord himself, certainly no other person, would venture to assert that she was now deserving of credit. The whole of this case ought to be a warning to the House, how little confidence was to be placed on her testimony, and with what caution they should proceed against his Royal Highness on such evidence as her's. They united, he contended, the two great qualities of judge and jury. They were to consider the case of Colonel Shaw as an example of that sort of ground on which the whole of the charges rested, and from it to judge of the others. There was one circumstance more which he felt it his duty particularly to advert to, and the more especially as he did not recollect to have heard it noticed by any of the Gentlemen who had spoken before him, though in his opinion, it went to shew how little influence Mrs. Clarke really possessed; he meant the circumstance of her not having been able to do any thing for her brother, Captain Thompson, which was not to be accounted for on any ground but her want of power. Was it to be supposed, that while she was procuring a regiment for one gentleman, a majority for another, and a levy for a third, that she never would have applied to his Royal Highness in favour of her brother, or that his Royal Highness, if he had been in the habit of granting her such favours, would not very naturally have been disposed to serve the brother of his mistress? But she had not only not obtained promotion for him, but it appeared also that that gentleman having occasion for only a fortnight's leave of absence, Mrs. Clarke does not apply to the Commander in Chief, which was the most natural way if she had been in the habit of interfering in such matters, but applies to Sandon, and represents to him the necessity of speaking to some friend in behalf of her brother. She does not even desire him to apply to the Horse Guards, where she might have seconded the application, as she pretends to have done in other cases; but Sandon, it appears, is desired by her to apply to some one in the Adjutant General's Office, for the purpose of procuring this favour. That must either suppose that she had no influence with his Royal Highness in these matters, having been obliged to apply to strangers, or that the Duke must be of a very extraordinary and unaccountable temper in not wishing to oblige his mistress in a point in which she was so much interested, though he listened to her applications in behalf of others in whom she had less interest. It appeared that Mrs. Clarke and her brother had been accustomed to draw bills on one another, so that even in a pecuniary view she must have been interested in his promotion; and to shew that this was the case, they had only to recollect that Mrs. Clarke had directed Sandon to look about, and see where her brother could purchase a company, without attempting to make any application to his Royal Highness, however natural this would have been had Mrs. Clarke been convinced that she really possessed such influence as would have insured her success. To what cause then were they to attribute her not having applied to the Duke, if not to a knowledge that the Duke discouraged all such interference, or to a conviction that her application would not succeed? While they saw her therefore imposing upon others, and taking their money under the pretext of using her influence, with his Royal Highness, she takes quite a different course with respect to her brother, and applies to a friend to look out where he might purchase. The honourable Member then proceeded to take a view of the whole, and declared, that from that review, and from the most impartial endeavours he had made to get at the truth, he was obliged to exonerate his Royal Highness from all guilt. With respect to the cases of Shaw and Carter, there was not the least scintilla of evidence.—The others were nearly of the same complexion, though there might be a greater degree of plausibility attending them. Here the honourable Member said the more pleasing part of his task concluded; he was now obliged to censure not to defend. The Commander in Chief, he was of opinion, was culpable in answering such a woman as she was, or taking any notice of her application in the case of General Clavering. He had imprudently allowed her to converse with him on public business; perhaps no evil result had occurred, perhaps it happened only in one or two instances, but perhaps also it had happened in more, though it is only proved in one; he therefore regretted to say, that he thought that this though a venial offence, was an act of considerable indiscretion, (*Hear! hear! from some of the opposition benches.*)—Yes, he regretted this unfortunate circumstance, which prevented him from giving that triumphant vote which otherwise he would have been able to do on this occasion. Had it not been for this circumstance, the House must have pronounced a most complete acquittal. Though this, however, was a circumstance to be regretted, it was by no means of such a nature as to prevent their pronouncing an acquittal of all corruption, and of all degrees of corruption, even though we should be obliged to lament [illegible] the Duke in prudence.

It was therefore that he most heartily joined in supporting the resolutions of his right honourable Friend, the Chancellor of the Exchequer: and that, very unwillingly, he felt himself obliged to disapprove of parts of the Address with which he proposed to follow them. Much had been said respecting their Constituents, and the right they would claim to review their conduct and their vote on this important question. He did not believe that the honourable Baronet had offered his observations on this subject as a threat, or with a design to impute impurity of motives to any individual in the House. For his own part, he trusted that he stood as pure as any Member present, and as free from all suspicion of bias, or of acting from interested motives. There were Gentlemen present who had been in office, as well as those who were now in employment; and to wish to be in office again was a laudable ambition, which he was far from condemning, as it discovered a wish to serve the country. He did not believe, however, that either those now in power, or those wishing to get into power, were necessarily to be biassed on that account, in giving their opinion on the present question. For his own part, he was conscious of no bias in his mind that did not arise from the nature of the evidence before them. He did not agree with either of the Addresses that had been moved, as they both mixed and confounded too much what, in his opinion, ought to be kept distinct and separate. They went too much to confound all sorts and degrees of guilt.—Where he, however, obliged to vote for either of them, he should certainly give his vote to that of the honourable Gentleman, (Colonel Wardle) in preference to that of his honourable Friend. There was a manliness in that of the honourable Gentleman which recommended it, in his opinion, to their notice. We will go to the King, was its language, and what we dare think we dare say. But that of the honourable Gentleman, (Mr. Bankes) seemed equally afraid of pronouncing the Duke of York innocent or guilty; it was a poor and timid compromise which

> "Willing to wound, and yet afraid to strike,
> "Just hints a fault, and hesitates dislike."

(*Hear! hear!*) For his part he would not make any compromise of his feelings on this occasion, he wished the House to meet the question boldly, and to decide, whatever that decision might be, as truth required. If the House thought his Royal Highness guilty, they were to say so. He did not wish them to belie their sentiments, but to declare what they felt. If, however, they thought his Royal Highness innocent, why be afraid to say so, or why address his Majesty for the purpose of removing him from office? It would be very strange indeed, if, after weeks of inquiry, the only determination they could come to was doubt and uncertainty with respect to the existence of guilt or not; and therefore an Address to His Majesty to dismiss his Royal Highness, if he pleased. The King certainly may dismiss him, if he please; but he did not need the House of Commons to approach the Throne for the purpose of telling him this truth. He contended, therefore, that, instead of this doubtful decision and half measure, the House should endeavour first to come to a positive decision with respect to the innocence or guilt of the Commander in Chief. Had the charges preferred against him been proved, or not? Had he been guilty of personal corruption and participation, or not? Should he be found guilty, he then should have no objection to vote for an Address to his Majesty, to dismiss him from the public service; but he could not in conscience vote for this Address till judgment had been given respecting his criminality. He could not vote for such an Address, and allow him to be innocent at the same time; and if he was guilty, either of the Addresses were too feeble to convey to the Throne the sense of the House. It was no small objection to these two Addresses, that they were so nearly alike, and yet that the Movers could not agree. He must say that the motives of the honourable Gentleman, (Mr. Bankes) in moving an Address differing only in shades from the other, were to him inexplicable, unless indeed that honourable Gentleman was of a disposition to be satisfied only with his own productions, or that he had artfully modelled his proposition to catch a few stray votes; to catch them not by its merit, but by its obscurity: not that his Address was that which any man would prefer, but that in the mist and darkness with which it had overshadowed the debate a few members, not seeing which way they were going, might follow the honourable Gentleman.—Address was the name the honourable Gentleman had given to his proposition, and its nature was Address. But he hoped the House would not vote in the dark, and that this "*tour d'addresse*" would meet the reception and success it deserved. For his own part, he would say, like Ajax, "whatever be the result, restore us the day; and if we are to die, at least let us die in the light." He contended that the first duty of the House was to come to a resolution, declaring their judgment respecting the guilt or innocence of the Duke of York. It would then be time to consider what was the next step they were to pursue. Having laid this foundation, they were then to proceed with the superstructure. An Address from its very nature, must involve many topics, on each of which Gentlemen might maintain opposite opinions, as in the present instance; he approved of some parts and disapproved of others, of each of the three Addresses. Why then should the

House be bewildered with so various a choice, and such conflicting sentiments? Why not come to resolutions, that by their nature not only admitted, but insured perspicuity and precision. If these resolutions convicted his Royal Highness, then an Address for his removal would be framed without difficulty, because the offence would be on record, and the consequent course defined as well in form as in substance. Should they find his Royal Highness innocent, they might still present an Address, should that be thought necessary, of congratulation and condolence. (*A laugh*). Though it was not uncommon to consider Gentlemen coming from the country he belonged to as liable to inconsistencies of expression, he would appeal to the most scrupulously nice in this respect, if he was not correct in what he said; they much regret that his Royal Highness should have formed so unfortunate a connexion, and at the same time congratulate His Majesty that they had found no reason to accuse his Royal Highness of the corrupt practices alledged against him. (*Hear! hear!*) What he urged was certainly the most natural course. After having selected the road, they were then to consider what sort of carriage they were to employ, and not to act like a man, who, having made up his mind that he should go to Greenwich by water, should then throw himself into a post-chaise; or should set out for Dorsetshire in a wherry on the Thames; but this was the Gentleman's (Mr. Bankes's) course; he had irrevocably selected his vehicle, before he knew which road he was to go; his Address was to be applied to all possible, and even the most contradictory cases. If the Duke of York be guilty of the basest corruption, what proceeding shall we take? "My Address;" but if he is only guilty of the minor offence of negligence, what then? "Why, my Address;" Well, but if he be not guilty of any thing, and be entirely acquitted, what course have you then? "Why, truly still my Address." It was like the Spanish doctor's universal remedy. He is consumptive, bleed him; he is plethoric, bleed him; he is palsied, rheumatic, or aguish, still bleed him! bleed him! The honourable Mover, in thinking that the facts had been established, had done right, he thought, in moving an Address for the dismission of the Commander in Chief; and had he been equally convinced of the facts having been established, he did not know but he should have gone farther than the honourable Gentleman had done. Though a lawyer, he hoped that he did not look on every thing in a perverse way. There certainly were difficulties, and he would allow that the House might feel considerable embarrassment how to vote; but would any man say, that he could vote for any part of the Address, and not give his assent to the whole? They were not to come to a decision with respect to the words they should use in describing the result of their inquiries, but with respect to the facts themselves. The measure of adopting a Resolution first had this advantage also, that it did not prevent an Address, while voting the Address, would prevent any subsequent Resolution. From every view of the subject, it was necessary they should first adopt a Resolution indicative of their sentiments respecting the great question of guilt or innocence, and then they might determine the nature of the Address, if such a farther measure was thought necessary. What should we say of a judge, who, while the jury were deliberating on their verdict, should be making up his mind on the sentence, resolved to pronounce equally, whether the verdict should be murder, or manslaughter, or not guilty. If an appeal in this case was to be made to the country, it was still more necessary they should come to some determinate and precise Resolution. This appeal had been challenged, and he had no objection to make this appeal; but it would be necessary for this purpose that the country should know on what grounds they voted. He admitted the country had their eyes on them, and when they should return to their Constituents, they would have a right to ask them what vote they gave on this question. It was not unparliamentary to say so, and he wished to let his Constituents know his precise vote on the occasion: but how could the country know their sentiments, if they did not come to a decided and positive vote on distinct facts; now, if the honorable Gentleman persisted in pressing his ambiguous Address, which gave such opportunities of evasion; and which would necessarily be productive of so much mistake, of which, when they came to account to their constituents, every one might give his own convenient interpretation. I voted for it, says one, because the Duke was guilty; and I, says another, because he was innocent; and I, replied a third, because he was neither guilty nor innocent. Let us pursue the natural course of the human mind, and of human operations. Let us first decide on facts, and then argue on their consequences. Address or not, as hereafter may seem necessary, but first let us decide the preliminary matter. Firstly, Is the Duke guilty of corruption, or what is the same, connivance? Secondly, Has he suffered without a criminal motive the influence of this woman over his public duty? And thirdly, ought he to be deprived of the command of the army? In each of these resolutions, he desired to get a distinct vote; and he thought the country would expect from every Gentleman a similar course. Let us convict him or acquit him of these things. Let us dismiss him from, or retain him in the command of the army; but, whatever was done, he implored the House, in justice to the Duke, in justice to the country, and in justice to themselves, to do it in the face of day, and not to huddle up the question in the intricacies of these ambiguous and obscure Addresses.

Sir F. BURDETT, in explanation, and in answer to the Honourable Member's question, said, he should always feel himself quite disposed to gratify even the curiosity of any Member, however disorderly it might be to put such questions as that now put to him. The mode of putting that question to him inferred almost a refusal to reply, as if he (Sir F. Burdett) had actually retired with some of the public money in his pocket, or that he had been concerned in giving money to conceal a great public grievance, of the nature comprised in the charges now before them. He did not, however, feel disposed to reply with any acrimony to such insinuations, but certainly only with a view to satisfy the Honourable Gentleman, and he had therefore to state, that no such circumstance as his offering money to Mrs. Clarke did ever take place.

Mr. HENRY MARTIN said, he was surprised to hear a right honourable and learned Gentleman opposite (the Solicitor General) object to the present proceedings, upon the ground that the House of Commons had no right to be sitting upon the trial of a person in the Duke of York's situation. Did that learned Gentleman not know that the House of Commons stood in an anomalous situation in such cases as the present? They did not as in other tribunals, act by any particular rules as to evidence; every man that was accused by them stood before them for trial, and might if he chose come and state his defence. They had all the powers that could be comprised in a public functionary, for what would be their use if they were to feel themselves fettered as a Grand Jury? If they could not then pass sentence of condemnation on persons holding high and responsible public situations, he should be glad to know upon what principle they could act? Upon what ground could the King dismiss such individuals from the public service, except upon evidence adduced before the House of Commons? This was not a novel case, for there had occurred repeatedly precedents to justify their present conduct. He might refer the right honourable and learned Gentleman to times soon after the Revolution, times that were better adapted than the present for ascertaining the just rights and privileges of the Constitution. He alluded to the proceedings of that House upon the *Partition Treaty*; when they investigated documents and examined witnesses, not upon oath; and what conclusion did they come to? They addressed his Majesty to remove from his councils for ever Lord Somers and the two other noble Lords mentioned in that Address. On what grounds did they proceed, and did they stop there? No; they thought that their crimes went further than they could punish, and they therefore voted an impeachment. This was not done till after they had passed a sentence of condemnation, the most severe that they could pass; and yet the honourable and learned Gentleman had said, "why did the House proceed to condemn without evidence? and why not send the Duke of York immediately to trial? for it would be better to stab the Royal Duke to the heart at once, than to advise his Majesty to dismiss him from his councils for ever." Was not Lord Somers, and the others, possessed of feelings as well as the Duke of York? If so, were they not equally and sufficiently warranted in advising his Majesty to dismiss him from the head of the Army? Had the House in doing this, refused to hear the illustrious Personage that was brought before them; that right still existed. It was only vulgar notions and prejudiced education that could assimulate the rules by which Parliament were to be regulated, to those of other Courts of Law; for he knew of no fixed rules by which Parliament was to be regulated. They had heard a great deal of the rights and privileges of the Duke of York; but was it therefore to be imagined that because that Royal Personage enjoyed privileges, there were none also enjoyed by the House of Commons? or that they could not by virtue of the Constitution deprive him of them? The House had received advice not to provoke any of the constituted authorities, for fear of their own existence, but not a word had been said by those who gave such advice, relative to the rights and privileges of the House of Commons. He should argue that it was not only a right, but it was the bounden duty of the House of Commons to prosecute every inquiry of this sort, in the way they had found their forefathers act; and that they were not to sacrifice their rights, from the consideration of the high rank and station of the illustrious Person accused. It might be said, with the precedent of Lord Somers before them, why not impeach the Duke of York? To that he should answer, that where they had a punishment commensurate to the offence, the most proper way of proceeding was to inflict that punishment. Why did they in any case impeach? It was because the offence was one which they could not otherwise remedy. If there were no other mode of inflicting that punishment which appeared adequate to the offence, then they must at once have recourse to impeachment. The Crown Lawyers had taken very extraordinary objections to the witnesses; upon the principle that the House were to confine themselves entirely to the Rules of Courts of Law; but it was truly remarkable to find that they applied those objections to all those who were produced as witnesses in support of the charges, but not to those who were called to contradict them—It may be said that this testimony is not upon oath; they could have none of those contradictions which were alledged to exist; and he was convinced they would not exist, were this matter coming to further investigation. Every witness who comes to be examined in a cause, has been interrogated previously as to the matter at issue; but the witnesses who came to that House in such a question as this, did not come prepared to state particulars with such accuracy, as, upon further recollection and preparation, they might be enabled to do. For instance, Mrs. Clarke had not come prepared to state how many times she had visited Mrs. Favery. He was surprised to hear the honourable and learned judge opposite (Mr. Burton) state matters which shewed evidently that he had blotted every thing out of his memory which he must have learned and have practised in his official duties. It had not yet been sufficiently explained by these learned lawyers, what was actually the improbable part of the testimony; for his part, he could not help thinking there was nothing at all improbable in it; for when he looked into the letters of the Duke of York that were produced, he discovered fully as much improbability in them as in the whole statements of Mrs. Clarke. It was upon the conviction of her testimony, coupled with those of Miss Taylor and Mr. Dowler, by which it was corroborated that he would be induced to give the vote he intended to give, namely, for the original Address. It would be unnecessary, and indeed a waste of time, to restate the evidence, and therefore he should only observe, that, as to Dowler, he had a right to say he stood uncontradicted. As to the case of Dr. O'Meara, he could hardly take upon himself to say what was done; but it was evident, that through Mrs. Clarke he was put in a situation in which he was likely to be promoted. The last time he had heard the expression *popular clamour,* it was one that originated within these walls, and was disseminated throughout the country, as it suited the particular party purposes of the present Ministers. *(Hear! hear! hear!)* But since it had been again alluded to, he could not help stating, that the public have a feeling upon this subject; and he might ask, was the public feeling to be despised upon such evidence? He knew well that it was the mind, and not the situation, that created the independence of men; and it was sufficient for him to know, that he supported this Address from a firm conviction that the evidence adduced as to these charges was substantially true, and clearly evinced that the Duke of York did connive at these corrupt practices, and therefore ought not to be retained longer in his present situation.

Mr. Rose said, that he would occupy the time of the House but for a few moments. He had prepared himself to speak to many points of the evidence, and would have begged their attention for a longer space, if the able and perspicuous manner in which it was already treated by his right honourable Friends, did not render it unnecessary, and even unpardonable, for him to retrace what they had established. So unnecessary did he deem his remarks to the advancement of the cause to which he was favourable, that he would not have trespassed even for the few moments he intended, if he had not been called up by an allusion to precedents, which, in his opinion, were not correctly quoted. The honourable Gentleman who had just sat down, undertook to defend the Address, by an appeal to the time of King William, from which he professed to have drawn a precedent. He (Mr. Rose) was as favourable to the time of King William as the honourable Gentleman could possibly be; but, if he were not mistaken, that precedent was drawn from the time of Charles II. to which he was not quite so partial. He believed that the honourable Gentleman's recollection had failed him in this particular, and that the precedent upon which he so much depended was not to be found in so happy and constitutional a period of our history as he conceived, when he produced it to the House. The honourable Gentleman had said, that the House upon that occasion addressed his Majesty to remove the four Lords from his councils and presence for ever; but when the honourable Gentleman stated this, he had not stated the whole of the case, for the Lords remonstrated upon the occasion; they said it was unjust that they should be condemned without trial; and the result, that their remonstrance was successful, and the Lords were not removed. There was another circumstance which detracted much from the force of this appeal to precedent, and that was, that the whole course of the precedents, after that time, were all against the honourable Gentleman's position; in the case of the Duke of Marlborough, in the case of Lord Halifax, in the case of Lord Wharton, they were all against him; this, when combined with the failure of the former precedent, when pushed to its application, defeats that part of the defence which was attempted to be built upon precedent. He had stated upon rising, that he would not go into the evidence, and would observe that promise; one observation however he would make before he sat down, upon the case of Dowler---he had wished that the executors of Mr. Pitt should be applied to, as he thought that if the recommendation did not appear in some of the books in their possession, the fact would be established that he was promoted according to the regular course. He begged to remind the House that the situation of Paymaster was not one which was eagerly sought after; it required much attention, and was by no means so great an object as had been represented by those who would swell the gift into importance. Upon the whole, he was of opinion that the case was not proved against his Royal Highness, and therefore would not agree either in the Address or the Amendment.

Mr. WORTLEY STEWART said, that having formed his opinion upon the question before the House, he was desirous to state the grounds upon which it was formed. He thought that the House of Commons was right in determining to examine witnesses at the bar, but after the manner in which the evidence had gone forth to the public, garbled and disfigured as it appeared in the daily prints, he dreaded, nay, he believed that the majority of the people of England did think the Duke of York guilty. He gave credit to the honourable Gentleman who brought forward the business, for the manliness and perseverance with which he had acted. The honourable Gentleman, and a noble Lord, and an honourable Baronet, agreed in thinking that the Duke of York was guilty of corruption; if they did think so, why not follow it up? Why come forward with such a measure, when one far more decisive and severe was called for by the circumstance? In those times, when the country was in such a situation, when the people were committed to such a struggle against contending enemies; in those times, it was necessary that the characters of Princes should not be frittered away; characters in which they were all equally concerned; and should they send forth that Prince to the public, with a character lacerated by imputations, upon which they did not dare to give an opinion? He was prepared to give his verdict, and to give it conscientiously; he was prepared to say, not only that the Duke of York was not guilty, but that there were ample grounds upon the face of the evidence to induce him to believe that there was a plot against him. He wished to notice the case of Major Shaw, because he considered it most important, inasmuch as it furnished a ground for rejecting Mrs. Clarke's testimony, by proving, that in this instance she had spoken what he could forbear calling downright lies.--She stated, that Major Shaw applied to her for a Lieutenant-Coloneley, that he promised her 1000l. for her interest, but that she got only 500l. and in consequence of that breach of promise, he was reduced upon the half-pay. Now, it was proved upon evidence, not subject to the suspicion which Mrs. Clarke's general character must have thrown over her's, that Major Shaw obtained the situation at the Cape of Good Hope, upon the condition that he would go upon half-pay; this was expressly understood when he accepted the situation; and yet Mrs. Clarke would have them believe that it was in consequence of his disappointing her, his reduction from whole pay was inflicted. A letter of Mrs. Clarke's, which appeared in evidence, confirmed the disbelief of her account upon examination, and proved that she did not negociate the promotions; it was manifest also from an appeal to dates. With respect to the case of Colonel French, it was evident that with all her boast of influence, many things were refused to him, though nothing could put more money in her pocket, or with less danger to the Duke of York. As to the corroborative evidence of Miss Taylor, he begged to remark that she had given it in a qualified manner; she said not positively what his words were; but in a doubtful and uncertain way, she said, she thought they were, "how does he use you, darling?" when an evidence swore to a conversation at the end of four years, he was not inclined to give credit to that evidence. There might be a mistake in the account, there might be too much presumption and too much [illegible] at all events, there were circumstances that should incline every body to weigh it maturely, and regard it suspiciously. Whatever he was inclined to think of the Duke of York's indiscretion, for indiscretion he allowed he had been guilty of, in the unfortunate connection he had formed, but whatever he might think of that, he could not say, from the face of the evidence, that the Duke of York was guilty of corruption. As to the note to Captain Sandon, the honourable Member said, that it appeared throughout the whole that she pretended to an influence she never possessed. Captain Sandon had told them in evidence, that he did not believe she possessed any influence. He (Mr. S.) was not desirous of vindicating the conduct of Sandon, or proving him, upon the whole, to be a credible witness; but there was a circumstance which, in his mind, supported and enforced his evidence in that particular, and gave it a stamp of veracity that would not easily be obliterated.—It appeared in evidence that Captain Sandon and Mrs. Clarke had a quarrel. He appealed to the understanding of the House, whether they thought it likely that Captain Sandon would so far forget his own interest as to break with her, if he thought she possessed the influence she represented herself as possessed of? With respect to General Clavering, he would as soon think that any honourable Member of that House would go after Mrs. Clarke, and offer her 1000l. for a situation, as he. The Address, against which he was resolved to vote, was stated by its advocates as originating in motives of delicacy; but wherein the delicacy consisted, he was at a loss to comprehend. There were fathers in that House, and to their hearts he was confident the delicacy of such a measure was as unintelligible as to his own. The Duke of York himself had said he was not guilty; he had required to be put on his trial; in requiring that, he had only required what could not with justice be withheld from the meanest subject; the House was therefore bound to acquiesce in the request, and to reject the Address proposed by the honourable Gentleman. He disapproved of the course which had been adopted by the other side of the House. At first, an Address was proposed, setting forth that the Duke of York was guilty of corruption; an amendment was suggested to that, differing from the original Address only in one word, that is, as far as respected the material parts. In the first, his Royal Highness was accused of a knowledge of the corrupt transactions; in the second, suspicion was substituted for knowledge; for his part, he could see no difference between those expressions—it was a fine-drawn distinction, too minute for his glance. The Amendment, so far from recommending itself by its greater lenity and forbearance, was, if possible, worse than the original Address—it was not so direct, so plain, so manly. A noble Lord and an honourable Baronet had inculcated the necessity of coming to a decision with unprejudiced minds—it would be well to do so; but he had his apprehensions; he could not help conceiving, that there were persons who would take strong views upon that subject; who, thinking that Government was disgraced by prostitution would transfer their sentiments unavoidably into the matter of that night's debate, and the feeling of that night's decision. This he could not help thinking, and he was of opinion that such persons were as likely to come with prejudiced minds, as they who believed in a principle of human nature, which would not easily permit it to descend. He was of opinion, that they were as likely to act from prejudice, as those who had imbibed higher ideas of the integrity of mankind at large. It had been proposed, that all who held places should quit the House on the decision, as if the possession of a place could preclude men from the possibility of coming to a just decision. They had sufficient evidence before them to acquit the Duke of York; whatever might be the termination of that business, it had done the House of Commons great honour; and whatever feelings the people might, for a short while be impressed with, he was confident that but a little reflexion, and a little time, would be necessary to convince them of the justice of that line of conduct which he hoped the House would adopt.

Sir FRANCIS BURDETT, in explanation, said, that if his memory served him rightly, he did not represent Mrs. Clarke's testimony alone as sufficient to convict any person; but he had said, that her testimony, corroborated as it was, had nothing in it that should render it incredible. He had been accused of saying, that any one who voted upon the other side, must be influenced by prejudice; but he had only said that a right honourable Gentleman opposite, in excluding all the evidence that made against the side he espoused, appeared to him to be labouring under something of that description.

Mr. LONG said, that he wished to offer a few words upon the evidence, but would not detain the House by going at any length into the detail.—He wished to refer to some points, more particularly to the case of Kennet. It had been said, that the Duke of York applied to him (Mr. Long) for a place for that Gentleman. He denied that any such application was made from that quarter, in the first instance application had certainly been made to him through Sir Horace Mann, and the Duke of York, he believed, seconded it. An honourable Gentleman opposite had said, that this was the strongest proof of Mrs. Clarke's credibility, and stated farther, that the Duke of York must have procured Sir Horace Mann, a respectable Member of Parliament, to lend his name to the transaction, and become an instrument of his corrupt designs. In this he (Mr. Long) could not concur. There was a letter, applying to the Duke of York, in favour of Mr. Kennet; and if his Royal Highness, not knowing the character of the man, should make application to arrive at a knowledge of his character, no criminality could attach to him upon that ground. The fact was, that Sir Horace Mann was the person who applied for the situation, and never did he (Mr. Long) meet with a more assiduous, anxious, and importunate applicant. The two letters requesting Mr. Kennet to retain the Collectorship of Surinam, were one a copy of the other. Some honourable Gentleman had said, that the testimony of Mr. Dowler was unimpeached; he would say, upon the contrary, that that Gentleman came forward under circumstances of great suspicion. He said that he had seen Mrs. Clarke but once since his return at her own house, and once in the House of Commons; that the occasion upon which he waited upon her was, having seen her name in the papers, and wishing that he should not be brought forward upon that business. Now, they had it upon evidence, that he had seen her twice, and such a representation must appear to the judgment of every man to be meant to give a false colouring to the testimony. There were other circumstances, beside this, to cast a doubt over his testimony. He had stated that he disapproved of her conduct in the traffic which he had known her to pursue, he had advised and remonstrated with her upon the impropriety and the danger of it, but notwithstanding that advice and that remonstrance, he had himself become a party, he had purchased from her the exercise of improper influence, and profited by what he affected to despise and to discountenance, It appeared from his testimony, that he had given her 1000l. for the appointment, and othsums at other times to a considerable amount. The honourable Member asked, was it probable that he would pay 1000l. and other sums to a considerable amount, for a situation which imposed much trouble, which required much cleverness and activity, and in which he was subject to be reduced to five shillings per day? was it not more probable that he would give the Lady some money, and that that struck him as the best way to induce her to accept it? He (Mr. L.) felt as much as any man the duty of explaining all he knew, and he hoped the House would give him credit, when he assured them he had done it conscientiously. When an honourable Member in that House had mentioned the name of Sir Brook Watson, and stated his acquaintance with the father of Mr. Dowler, Mrs. Clarke, conscious that such a connexion might weaken the appearance of her influence over his Royal Highness, or at least afford grounds for supposing that it was not exercised or required in this instance, told the House, at a subsequent examination, that she mentioned Mr. Dowler's acquaintance with Sir Brook Watson to the Duke, who replied, "that will do; his recommendation will be of use." Here was an instance of the ingenuity of the woman, and of her falsehood. He had only one word more to add upon the subject, and that respected the appointment of Samuel Carter. An honourable Baronet had stated the appointment to be more honourable to Mrs. Clarke than to the Duke of York. He could not agree to it; for in one of her answers, upon a subsequent examination, when questioned respecting Carter, she said, with one of her laughs, which some approved, while others were disgusted at them, "O! he is now upon the staff;" plainly indicating, by her manner, that that was another impropriety added to the former impropriety of his original appointment. On that account the honourable

Member was not inclined to give her all the credit for her conduct which some had attributed. The manner bespoke a feeling which he was not prepared to respect. Some observations had gone forth upon that case, tending to sow dissensions in the army, and was a flagrant abuse of the liberty of the press.—As to the testimony of Colonel Gordon, he had but one word to say upon it; it was perfectly unimpeachable; some Gentlemen, however, upon the opposite side, appeared to cast reflections upon it, but they did not apply. He (Mr. Long) had frequent intercourse with him in his official capacity; and he could say, if ever there was a man who dedicated his life to the service of the public and the duties of his office, that man was Colonel Gordon. The first Address he thought objectionable, because it went to pronounce judgment without defining the crime; the other he thought objectionable, because it charged the Duke of York with suspicion, and drew a distinction, incomprehensible to him. If he did suspect, ought he not to have inquired into the corruption he so suspected? A man might refuse to look into the state of his affairs, if they were desperate, but would it, therefore, be said, that that man was not in debt? An honourable Gentleman had said, that it was not of corruption he accused the Duke of York, but of admitting an influence injurious to the public service; if that was, indeed, all, they should take the good as well as the bad, into account, and they would find the good to preponderate. Did the Nation, he asked, intend the removal of the Duke of York? If it did, it ought to say so; it ought not to effect the destruction of his character without trial: if they supposed even the case of the meanest individual, either with respect to life or property, and that evidence was to be sent out to the public, as upon this occasion, accompanied with all the documents that ingenuity or malice could furnish, he asked, whether justice would be done to the individual? Gentlemen upon the opposite side might say, it is true, you can make much out of the evidence, but the feeling of the country is against him, and that is to counterbalance your defence; they might say that, and in saying so, they would be only repeating arguments he had heard a thousand times in the street. A noble Lord had expressed a wish, that they might be swayed by no private affection, but would act like honourable men; he hoped so too—he joined in that wish most ardently. He knew that Princes often gave themselves greater latitude in their conduct than other men; but at the same time he knew there were many circumstances attached to the condition of Princes, which afforded a palliation inapplicable to the errors of other men. When he considered that they were debarred from an extensive commerce with mankind—when he considered that they were prohibited from an intercourse with life in its most general and useful sense, and were by that means excluded from the practical lessons that result from intercourse and observation; he saw an extenuation in their favour, which did not apply to the faults of other men, whose fate was more obscure, but whose fortune was perhaps more favourable. The honourable Member concluded with observing, that he could not accede to the Address, nor to the Amendment proposed to it by his honourable Friend; but the latter he particularly objected to, as not consistent with the character and dignity of the House, which ought to have the energy and decision to pronounce "guilty," or "not guilty," upon the charges.

Mr. Coke considered the conduct of his Royal Highness as corrupt in the extreme, and the person who had brought forward the subject, as deserving the warmest thanks of the country, for the manly manner in which he had done it. There had been many arguments used upon the propriety of criminating the Duke of York upon circumstantial evidence: on this point he had only to remark; that more men had been hung in this country on circumstantial than positive evidence, and was fully convinced his Royal Highness had connived at the mal-practices laid to his charge. He rose to speak his sentiments as an independant man; he was every way an enemy to corruption, however supported by those who reaped a benefit by it; and said, that although it might be very well to listen to their arguments, it would be very wrong to pay attention to them.

Mr. WINDHAM had attended to all which had been said upon the important subject now before the House, in order that he might correctly form his own opinion. He was disposed to believe many erroneous motions had been formed upon this subject, but he thought the general and material question was, what line of conduct the House of Commons ought to adopt on the present occasion? There was a considerable variety of modes proposed in the course of the discussion; in the first place, the Address moved by the honourable Gentleman (Mr. Wardle) contained unfavourable sentiments, and a distinct opinion on the Commander in Chief. The 2d proposition, made by the Chancellor of the Exchequer, tended to institute no particular motion; and in a third instance, it was proposed some measure should be taken; and the last Address intimated an inclination upon the whole opposite to the original Address. In point of form, he did not know of any objection to any one of the Addresses. But if such were his opinion, in respect to the form, he should be induced to express very contrary sentiments in regard to their contents. The Address, as proposed by the right honourable Gentleman opposite (Mr. Perceval), desires we should not admit of the subject as far as to form a judgment on the same. It was very extraordinary any one should recommend a determination upon the points of the whole case first, before any judgment should be pronounced upon the general question. How would it be in the case of peace or war? Certainly no man would contend, we ought invariably to attend on the parts, and on them separately come to a decision, but maturely consider the whole of the case, and form a broad and definite conclusion upon the ultimate event. In measures of policy and prudence, he would thus be inclined to guide his proceedings; and he saw no reason why a judicial measure should not be decided upon the same principle. For in his opinion, whatever general doctrine might have been assiduously held forth at this time, if that general doctrine directed a subject of a judicial nature to be divided into parts, that doctrine was wrong, because such a subject ought to be a general question. The preponderance of guilt, or of innocence, ought not in the present instance to be a subject of consideration; but whether, upon all the matter now before the House, his Royal Highness can be freed from criminality? For no doubt could be entertained, if any man were to be tried before a judge, it would first be a question for the decision of a Grand Jury, whether there was sufficient testimony to produce a further procedure; and if not, the person would be immediately set at liberty from the peril of his situation. It might happen, however, that the evidence adduced might be of a stronger nature, and thereby the prisoner would be under the necessity of submitting to the sentence of the laws of his country. Still he might, after a trial of considerable testimony, and great impartiality, be acquitted; yet there was a material distinction between the degree of criminality in the former, and the latter case. Some Gentlemen entertained an opinion relative to the present investigation of his

Royal Highness's conduct; that, independant of any positive testimony, the internal credibility of the evidence was so strong, there needed no assistance from any additional proof. The admissibility of an accomplice's evidence had fallen under the observation of an honourable and learned Gentleman (Sir Samuel Romilly) who, to his surprise, had represented a case where a robbery had been committed by three persons, and although there was no evidence directly affecting the persons who were charged with this particular offence, excepting that of one of the accomplices, yet by his testimony the others were convicted, and eventually suffered the punishment of death. If such were the law of the land, it did not meet with his approbation; and former instances had incurred his displeasure, where men's lives had been taken away by the evidence of the most worthless and vilest of society, and whose testimony was liable to every suspicion, as being devoid of truth. An accomplice in his opinion, was a peculiar kind of witness, whose evidence might be received or not, according to circumstances. A discretion in these cases was always to be exercised, and ought to be proportionably varied, according to the principle of a thermometer. He concurred with an honourable and learned Gentleman, who spoke in a previous part of the discussion, that a great distinction ought to be taken with regard to evidence delivered on oath, and that which is not delivered with that form of solemnity. If it were to be laid down as an hypothesis, that witnesses examined at the Bar of the House of Commons were to be considered in the same point of view as if they gave their testimony on oath, then he should think the House did very wrong in permitting those questions to be put, which had been asked of witnesses during the present investigation. Although he felt averse to state any of the evidence in detail, after so many had applied themselves to that part of the present case, yet he trusted the House would excuse him in making a few observations on the character of Mrs. Clarke. The testimony did not meet with his applause, as it had that of many others; there was a pertinancy and flippancy in it, and her character altogether such as denote her complete want of shame. Dexterity was an admirable quality, but in a woman it was a dangerous weapon; and he had been much displeased with those qualities of sauciness and flippany, which others had dignified by the name of wit. In regard to the manner she delivered her testimony, Mrs. Clarke certainly possessed a power of communicating a story; still it appeared to him she was also capable of giving it in such a careless and prompt way, in a way so unpremeditated, as to induce many to suppose she was uttering the simple truth. But we ought to be on our guard against that facility shewn on her part in telling the truth, though, taking it altogether, it was such as tended to establish her honesty. There were likewise circumstances which rose, as it were, out of the grave, and confirmed her testimony, and he had reason to conclude many consequences flowed from her interference. He neither agreed with those who cried up Miss Taylor, nor with those who endeavoured to cry her down. The manner in which she had been treated by the House was indecent and monstrous, although her testimony was of a different nature when compared to that of Mrs. Clarke. Mrs. Clarke's evidence was good, but her character was bad; Miss Taylor's character was good, but her evidence was bad. When Miss Taylor took upon herself to communicate to the House the conversation of the Duke of York with Mrs. Clarke, it was remarkable, and has not hitherto been accounted for, how she came to recollect so accurately the words of His Royal Highness, but at the same time wholly to forget those of Mrs. Clarke. She said on the occasion, there were circumstances which led her to bear in memory the business, and recollect the words; but why should she not recollect the words of Mrs. Clarke, as well as those of the Duke of York? Mrs. Clarke certainly possessed so much ability, that he would not be apprehensive of matching her against some of the best orators he had heard this night, but there was in his mind considerable doubt respecting the words used by Mrs. Clarke on this occasion.---While he applied, as he conceived justly, such observations on Mrs. Clarke's character, he was not disposed to shew any decided partiality to the Duke of York. This was a trial of the grave, it levelled all distinctions, and he should be sorry to deal out any observation to Mrs. Clarke, without applying those which were due to his Royal Highness. There was a great deal of inconsistency in her evidence; neither did he believe she had that general and unreserved communication with the Duke of York; in this opinion he was corroborated by the paucity of instances where her influence had ever prevailed. It had been observed the instances of Mrs. Clarke's interference in military promotion had become notorious; and several people, on the credit of notoriety alone, confided considerable property to her, for the sake of promoting their welfare. But the conceptions of men were sometimes so gross, as to lead them to believe any thing held out as a temptation for their sordid dispositions. This only might lay the foundation for that public opinion. Besides, the Duke would never have declared he could forget, if there were a hundred instances; those instances, if any, had been rare, and on that account the Duke might have forgotten an individual transaction. On the other hand he was surprised to think how Mrs. Clarke became acquainted with Dr. O'Meara and others, and it equally ought to have been a matter of astonishment to the Duke himself.

It had during the debate been alledged, that supposing there were no criminality in the Duke, the evidence clearly proved a connivance. Now he did not readily perceive the distinction between criminality and connivance; if there was connivance, their was criminality; and he might as well split a hair, as draw such a distinction. To be sure, if there was connivance at all in this case, in his opinion it was such as was free from criminality. He was not inclined to support any Address or proposition which should only apply to the breach of morality in this affair, nor should he be disposed to support any charge on that ground. The way in which Mrs. Clarke had further testified her malicious disposition would not escape his own recollection, and a great deal attributed to his Royal Highness might proceed from inadvertancy or accident. The Duke was certainly blameable in permitting her to have any interference, less or more; and he was not disposed to think it a great deal, or to have been attended with any injurious consequence in military affairs. His wish was to convey truth; he felt it painful, and this ought to lessen the sting. His intention was rather to vote with his friend on the floor, (Mr. Bankes). He should be disposed to acquit his Royal Highness, but not to the full extent expressed in the amendment proposed by the Chancellor of the Exchequer; but at the same time he trusted his Royal Highness would feel it his interest to pay at this period some attention to the public opinion on this question.—The right honourable Gentleman had touched upon the case of Samuel Carter, who, he said, had been treated harshly, and appeared unworthy of consideration, even by those who lamented the severity Miss Taylor had experienced. He had been stiled a foot-boy—better that than a footman: for the stigma which attached to his youth, would grow off as he grew older, and the mark of servitude would wear insensibly out of his mouth. *(A laugh!)* The little mercy and consideration Miss Taylor had met with, was alone to be justified by the exigency of circumstances. Was he not as much wounded? Was it necessary he should be so wounded? He thought not, but considered him trodden down like a weed. He felt upon the whole, though not wholly coinciding with his sentiments, that he should act most consistently by voting for the Amendment of Mr. Bankes.

Lord Castlereagh rose amidst a loud cry of "*Question! Question!*" He said he should not, at that hour, intrude himself upon the attention of the House, but that he felt it his paramount duty to deliver his sentiments on a question of such magnitude. The right honourable Gentleman, to his surprise, had expressed his intention of voting, as he conceived, contrary to what his opinions would have led the House to suppose, and which would almost induce a belief that he did so to mislead the judgment of others. For his part he intended to oppose both Addresses; he did not conceive it the proper mode to be adopted; he thought they should vote resolutions, and then act upon those resolutions; and not adopt an Address, which would imply that the Duke of York was guilty of criminal connivance at Mrs. Clarke's fraud. What was the case stated? It was said the Duke of York knew of her applications; if he knew, he must be personally corrupt. Could any one suppose that he knew of her taking money for his patronage, and converting it to the purposes of housekeeping, and be content simply with his removal, without a desire to bring him to further trial? The House was certainly competent to address his Majesty as they should deem fit, but where the crime was so infamous, he could not reconcile it with fitness to the Constitution to find any person guilty during his absence. He could not conceive any thing which could bring so delicate a subject under his Majesty's consideration in a more poignant shape, which must be rendered additionally poignant if the House were not inclined to act upon the recommendation of a constitutional trial upon this delicate and very important question. The noble Lord said, he wished to take a view of the whole subject, which he would do in a brief manner. In considering the evidence upon which the question rests, it was not immaterial to consider under what impulse Mrs. Clarke came forward to give her evidence against the Duke of York; she came forward with wrath and vindictive resentment; but at the same time represented herself as unwillingly coming forward to submit to the Orders of the House. Mrs. Clarke's letters to Mr. Adam and Colonel M'Mahon must prevent any one doubting the existence of malice. He did not mean to speak disrespectfully of the honourable Member who had brought forward the present measure, yet thought he had deviated much from the line of conduct which could be considered as desirable or congenial to the feelings of any honourable Member; we find him, with more or less violence, possessing himself of certain documents: we find him at supper with Mrs. Clarke, with M'Callum, the professed libeller of the Duke of York, and with Mr Corri; we find him thus devoting his time to fulfil hi duty.---Mrs. Clarke shewed herself a very reluctant witness, when, instead of waiting for Mr. Dowler paying her a visit, upon his arrival, she went to him to an hotel, for the purpose of *(a laugh)* arranging her future proceedings: this proved her a very reluctant witness. Two very different opinions appeared on the other side, as to the credibility of Mrs. Clarke's testimony. One honourable Member thought her evidence unworthy of credit, while a noble Lord behind considered it very credible: he was rather inclined to the opinion of the no ble Lord. It had been asked whether no part of her testimony was worthy of belief: He believed a good part of it was. *(Hear!)* He believed it, because a great part of it was a fair account of her illicit purpose, intended, as he firmly believed, to bring home her designs against the Duke; mark how she wished to do it with respect to Colonel's Knight and Brooke, where her falsehood was completely discovered. It might be said to be more so, when she described a list of persons which was affixed two days to the bed-head---this was too extravagant for any one to believe. Then take another part of her statement, alike incredible, where she tells you, that the whole system was suggested by the Duke of York, to relieve her necessities, and that she had more patronage than the Queen. Then she endeavoured to establish her story by other sources, as in the case of Major Tonyn, where she proved mistaken, and since the first day of her evidence, when she saw the likelihood of her being detected about dates, she has never recollected another date. He contended that she had been actuated through the whole of this system of fraudulent intrigue, by deliberate malice, and if such testimony as her's could be believed, the life and character of no person would be safe. He said it was not difficult to conceive that a deliberate conspiracy existed between three or four persons, at least between three, Mrs. Clarke, Mrs. Favery, her half-sister, and Miss Taylor, whose evidence he conceived to have been well delineated by the last speaker. He asked, whether it was to be conceived for a moment, without they considered the Duke of York destitute of common sense, that he would submit his character to the mercy of Miss Taylor. It was impossible to believe this, even from an unimpeached witness, but she was not; she recollected a something which happened three years ago, and, retaining that, for got all others, as if she had been asleep ever since. Hence, he contended, that the whole of their testimony went for nothing; that it was to extort money, and originated in systematic deception. It was impossible any one would believe this story, if the Duke of York could be considered as a rational being; nor was it possible that he could lay himself open, when he broke off this connection, to be degraded for his military administration, which must have been the case, had he committed himself with eighteen persons, which this list professed to contain.

He then made some further observations on the evidence of Mrs. Clarke and Miss Taylor; he stated, he was decidedly of opinion, that the latter, in giving her evidence, was influenced by Mrs. Clarke, and ought not to be believed. He then took a circumspect and comprehensive view of the Duke of York's conduct, as to the dismissal of Mrs. Clarke, and contended, he would not have applied to the honourable and learned Member (Mr. Adam) to employ Mr, Lowton and Mr. Wilkinson to investigate into her conduct, if he had not known himself to be perfectly innocent; he never had shrunk from any coercive measure she had threatened him with. He regretted that the letters from his Royal Highness to Mrs. Clarke had ever been written, but it shewed the purity of his motives, when writing them, that he did not afterwards wish to purchase them. Alluding to the letter of his Royal Highness, presented to the House, he said it was that of an innocent man claiming that which is the birthright of every Englishman.—It did not go farther than declaring his innocence, and protesting against being tried in his absence, and that on evidence not given on oath. Tha clamour out of doors he hoped would never influence the House of Commons; he then drew a line between a representative and his constituents, and contended that it was not the duty of a Member of that Legislative Body to attend to a popular outcry, but to judge from the facts and evidence before them. He concluded by observing, that the Amendment of the honourable Gentleman, Mr. Bankes, went to send the Commander in Chief into the presence of his Royal Father, and to tell him his son had been condemned by the House of Commons without a trial. He would ask them what must be the feelings of the parent not only as to his legitimate offspring, but also his feelings as to the lawful parent and guardian of the constitution of this country, which denied not any person, however menial and depraved, a trial. He entreated them distinctly to say what were the charges against the Duke of York, not to say there was a little immorality there, or a little connivance here, if they could not come to a vote, that the noble Personage had committed a crime. He begged of them to pause before they sent forward to the world, that the Commander in Chief should be dismissed from his high situation, without the concurrence of any other tribunal than their own authority.

Mr. Calcraft said there was no man in existence felt more pain than he did, in being obliged to give a vote that tended to hurt the feelings of any part of the Royal Family. However great his delicacy on this subject was, he also felt for the justice due to his country, and what he owed it. It was a heartfelt consolation to him to find, that any man accused had able defenders; and the illustrious Personage could not have any cause to complain, as he had been most ably defended, which would reflect honour on their abilities, learning and foresight, when they ceased to exist. He gave them all due credit for the part they had taken, and he was confident, in their official situations, there could not be found men who could have acted with greater openness. He could not help observing the mistatements of the noble Lord who spoke last, as to evidence. He was confident he could not have listened to it, or read it, with attention, or he would not have so much misconceived it, as to say that Messrs. Dowler and Sandon's evidence was concerted by Mrs. Clarke. Would he contend that she sent to Portugal for Dowler, and to Spain for Sandon? The noble Lord talked of a conspiracy, he wished him to shew where it existed. Were the letters of the Duke of York to Mrs. Clarke a conspiracy? Was the appointment of Dowler as a Commissary, a conspiracy? Was the letter relating to Tonyn a conspiracy? If not, the ground for supposing it, and the result originating from it, only commenced in the brain of the noble Lord, ascended in the air, and, as usual with all inflammatory matter, evaporated. He was surprised the Noble Lord should say Miss Taylor's evidence should not be credited. He had the authority of a learned Judge, (the Master of the Rolls) to state it ought to be credited; and if he was to put the two opinions at issue, and leave it to the sense of the House, he had not a doubt how they would decide. The noble Lord talked of Mrs. Clarke not having any knowledge of the Commander in Chief's pecuniary circumstances, how ridiculous the argument was, when it was proved in evidence, that she attempted to negociate three loans for him; could she have done this without a knowledge of his pecuniary difficulties? and if she did, was it not natural that she made him acquainted with her distresses of the same nature. The honourable Gentleman, after some further observations, concluded with giving his assent to the original motion.

THURSDAY, MARCH 14.

The Order of the Day for resuming the adjourned debate, on the conduct of the Duke of York, being then read,

Lord **MILTON** said, that on so important a question, he had felt it his duty to the public to exert himself, to come to a deliberate opinion according to the best of his ability and judgment, without being influenced by any of those clamours or considerations which he had heard from the other side of the House, were likely to have an effect on the question. He had not formed his opinion from the legal doctrines laid down in that House, nor from the doctrine of the Learned Judge who had spoken on the other side, who, in his opinion, was guilty of an absurdity in laying it down, that because a witness was false in any one part of her statement, that, therefore, the whole of her evidence was to be swept away. If this doctrine were to be carried to the full extent the Learned Judge had laid it down, it would go to sweep away all, or most of the evidence on both sides of the question. He was of opinion that this was going too far. He had formed his opinion from those parts of the evidence, which did not depend on the testimony of any one person of a doubtful or suspicious character, but which were connected together in a chain, which could not deceive. The result of that opinion was, that his Royal Highness could not be safely suffered to retain his situation. He could not go to the length of a Noble Lord near him, in saying, that he believed every word which Mrs. Clarke had said; but, at the same time, he could not agree that every part of her testimony was false. There was a flippancy and levity which took away great part of the weight otherwise due to her testimony; he was, therefore, inclined to reject every part of her private communications with the Duke of York, so far as they were uncorroborated by other evidence; but still there was a great deal of her evidence in which she was supported by the testimony of others. Thus, he was of opinion that the evidence of Mr. Dowler had been unsuccessfully assailed. The story she told as to his appointment was not only confirmed by himself, but in a great measure by Mr. Long. He had heard a great deal about conspirators and conspiracies, but would any person say that the Right Honourable Gentleman (Mr. Long) was one of those conspirators? The only case of direct corruption was the case of Kennett—an infamous character, and at the same time a bankrupt, from whom his Royal Highness was attempting, through the medium of Colonel Taylor, to negotiate a loan of 30,000l. or 40,000l. who, on his part, promised, if a particular office was conferred on him, that his Royal Highness should be accommodated to any extent. His Lordship desired the House to contrast this with the conduct of the Duke of Portland, who, when an infamous wretch came to him with a proposal for Church preferment, spurned the wretch from his door, and reported him to the Bishop of London, his Diocesan. Did his Royal Highness act so? No—He referred the man to his Hon. Friend (Mr. Adam). His Lordship could call the offer thus made to his Royal Highness nothing but a bribe. If this was not a proof of corruption, he could not conceive what was. It might be said that this case was not in point to the inquiry the House had directed to be made into his Royal Highness's conduct as Commander in Chief. But his Lordship carried it along with him into the cases of Tonyn, French, &c. and when, in that letter of service, he saw, that if 4000 men were not raised within nine months, the Levy was to cease; that it was not stopped at the expiration of that time, though not above 200 men were raised; that these men, who were nothing better than crimps, were even permitted to go on for 13 months, within which time they only raised 219 men—he must say, that if ever there was a job, that was one. Through whose influence, too, was this done? To his mind, through that of Mrs. Clarke. Miss Taylor, too, corroborated this evidence; and, having no other direct proof, he was entitled to make use of Kennett's case, for the purpose of adding weight to it. Of the modes of address, he liked that of the Honourable Gentleman (Mr. Bankes) the best, because there was in the original address an objectionable paragraph, which, in his opinion, might seem to convert the Army into a deliberative body. He regretted that the House had not gone on with the suggestion originally made by his colleague (Mr. Wilberforce), in which case Gentlemen would not now have to complain that the evidence was not upon oath; those transactions too, made public, so much to the scandal of all the world, would have been avoided, and the House should have been at no loss to distinguish what was credible, from what was incredible evidence; that which was probable, from that which was improbable. His own opinion was, that it would be better not to pass either resolution or address, but simply to have laid the evidence before the King. It might be objected that this would be throwing the whole responsibility on his Majesty. The same, however, would be the case if they were to address him. It would be a broad hint, equal to addressing his Majesty, for the removal of the Duke of York from the situation of Commander in Chief. His Lordship hoped the House would consider well what it was doing: that it would not be induced by threats from without doors to do much, nor by threats from within to do too little. If the House was convinced, that, under all the case, the Duke of York was not fit to be longer continued in the situation of Commander in Chief of the Army of this Country, no person, he hoped, would be deterred from giving that vote, because it was to operate against a Prince, the son of a King! He confessed that he, for one, felt a great objection to any son of the King holding such an ostensible situation. It was impossible not to see the feeling of the House on this occasion; but they must not be deterred from doing their duty. They must address his Majesty, not to remove the Duke of York, but to remove the Commander in Chief. As Duke of York the House must be warped with prejudices; but he did not agree with a Noble Lord on the other side (Castlereagh), that if the House removed this Commander in Chief, they would not be able to find a substitute. He agreed that it was an advantage to have one of the Royal Family placed as Commander in Chief, as they were not likely to be so mixed with parties. But the other inconveniencies attending such an appointment overcame its advantages. It was said, however, that if the Duke of York were removed, we would not get another person to accept of the office. He asked, if it should ever be the fate of this country to carry on the struggle on its own shores, the Noble Lord thought the Duke of York the only person who could act as Commander in Chief? The Duke of Marlborough had been removed from the office of Commander in Chief, and the Duke of Marlborough was a greater man than the Duke of York is, or ever will be. The Right Honourable Gentleman (Mr. Perceval) thought that the Duke of York would get wiser as he grew elder. His Lordship agreed, that if the rudiments of wisdom were once implanted in the mind, it was natural to expect that the person might grow wiser with his years; but if the rudiments of folly had taken fast root, it was, on the contrary, more natural to expect the person to increase in folly rather than in wisdom. Did the Right Honourable Gentleman really expect that the Duke of York, at his age, was to reform, merely because the Right Honourable Gentleman informed him how very wrong a thing it was in his Royal Highness to sin against the Seventh Commandment? His Lordship was surprised not to have heard a single word from another Right Honourable Gentleman (Mr. Canning), who was very great on the subject when it was originally started. He hoped he would now at length come forward, and inform the House whether he attached infamy to the accuser or the accused? If on the accuser, his Lordship trusted he would have the candour to say so. If on the accused, his Lordship was satisfied there was not a person in the House who would agree with him. His Royal Highness had given in a letter to the House in which he declared on the honour of a Prince that he was innocent. That was a phrase the like of which he had never heard before. If his Lordship said that he was guilty, and to no other decision could he come, while his Royal Highness, on the honour of a Prince, said that he was innocent, he did not see how it was possible for him (Lord Milton) to get quit of the conclusion, that to his other guilt, his Royal Highness had added that of falsehood. The Right Honourable Gentleman (Mr Perceval) thought his Royal Highness innocent, to him therefore, the declaration of the Duke of York, on the honour of a Prince, that he was innocent, must appear perfectly correct; he (Lord Milton) however, being of a contrary opinion, found it difficult to get to any other conclusion than that he had already mentioned.

Lord STANLEY had so long delayed giving his opinion on this important question, anxious to profit by the opinion of others of more experience and knowledge than himself. He did not think, however, that the case was to be tried on legal evidence, or that the House was bound by the rules of a legal court. They were bound to form their opinion from the conviction of their own mind, and wherever positive proof was wanting were to act from their own genuine feelings. He came to the consideration of this question, he was satisfied, with a mind equally unbiassed with that of the Learned Judge (Burton). If he had any bias, from the personal offices of kindness he had experienced from his Royal Highness, that bias must have been in his favour. But after the evidence at the bar of that House, sifted as he thought it had been too far, it was impossible for him to say that the Duke of York was innocent. He agreed with the Noble Lord who had just sat down, that many of the charges were not sufficiently made out, and that it was necessary to connect those that were made out with the office of Commander in Chief. If he as Commander in Chief condescended to make application to another of the Government, because he was to receive an obligation from the disposal of a place in the gift of that other branch, it was to his mind enough. A great deal had been said as to the evidence of the principal witness. One person thought that every word she has said is truth, another---that no part of her testimony was to be believed. His Lordship's opinion was, that the greater part of her testimony decidedly belonged to truth. The Noble Lord (Folkstone) he was convinced did not mean to say that she had not spoken a word which was not true, but that there was not a material fact stated by her which was not true; and in this opinion he completely concurred. Another witness (Miss Taylor) had been very improperly confounded with Mrs. Clarke. She gave evidence to a conversation in which the Duke of York himself bore a part, and in which he clearly betrayed a knowledge of the practices of Mrs. Clarke. The reason given by Miss Taylor for attending to this conversation was, recollecting that there was some man whom she was never allowed to see. It appeared that Mrs. Clarke was constantly applying to the Duke of York for this, and that, and it was therefore impossible, it was inconsistent with human nature for his Royal Highness not to have conceived that this arose from some interested or improper motive. The letters relative to O'Meara, and General Clavering, are proofs of it, and if his Royal Highness had ever stopped the practice, he must then have made up his mind to submit to it. If there was no other evidence than those letters which had been produced at the Bar, he should have found himself called on to say his Royal Highness knew of, and submitted to that connivance. Standing in the situation of a public servant of the Crown, his Royal Highness should not be suspected; and the moment that he was so, should not be allowed any more to stand in that situation. His Lordship expressed his wonder how the idea of dismissing him had not at once been adopted by the King. In a former reign, the Duke of Cumberland, for the capitulation of Closter Severn, had not only been dismissed from his situation of Commander in Chief, but was even disgraced. That, his Lordship confessed, was a case of greater magnitude than the present; but even here, he thought the offence not unworthy of the interference of his Majesty. Gentlemen had said, if the Duke of York had not been conscious of innocence, he would have submitted to the terms of Mrs. Clarke; and that his not yielding to her proposals was a proof of innocence. A greater judge of the human heart, however, than probably any other man who ever lived, had argued this point very differently, and had shewn an instance in which guilt, when accompanied with rank and power, will expect to boast itself even over virtue, when unprotected. In Shakespear's play of Measure for Measure, Angelo is made thus to express himself:—

> "My unsullied name, th' austereness of my life,
> May vouch against you, and my vested state,
> Will so your accusation over-weigh,
> That you shall stifle in your own report,
> And smell of calumny."

The Noble Lord proceeded to declare his conviction, that the commission was obtained for Samuel Carter not under the influence of the former application, but decidedly under the recommendation of Mrs. Clarke. If even the written evidence is to be believed, the instances alluded to by General Clavering, were not the only cases in which he had applied to Mrs. Clarke, and her exertions in his behalf been crowned with success. He states the reason why he applied to her—it is, because he experienced her assistance in former matters. A worthy Alderman (Combe) had stated, that he asked Mr. Dowler if he had obtained his appointment as an Assistant Commissary through Mrs. Clarke, or through the interest of Sir Brooke Watson, and that Mr. Dowler stated, that he had procured it through the latter. How was it possible, however, for that worthy Alderman to have thought of Mrs. Clarke, had it not been from the complete notoriety of her possessing and exerting influence over the Commander in Chief. The Noble Lord proceeded to observe, that it was remarkable that a speech so replete with accuracy of statement as that of the Right Honourable Gentleman (Mr. Perceval) as that he seemed ready even to split a hair, and with a microscopic eye touched on the most minute particular, should have omitted every thing of magnitude. They were told that they should not attend to clamour. He was as much of that opinion as any man could be, but at the same time he was equally convinced that, so long as they continued to be the representatives of the people, the people had a right to know how they discharged their trust. The charge, however, came with a peculiarly honest grace from those men who owed so much to popular clamour, the whole of whose political existence, indeed, depended on popular clamour. They were told also of the situation of the Duke of York, as if that ought to have any effect on their decision. This he conceived to be as near the confines of impropriety as possible. His Lordship was sorry for consuming so much of the time of the House, when they seemed anxious to bring the question to a vote, but this, he hoped, they would not do till they had heard some of the Country Gentlemen, few of whom indeed had yet delivered their opinions. He should vote for the original motion, or for any amendment which might not be inconsistent with the opinion he had declared. If the general opinion of the House should be that the Duke of York ought not to remain at the head of the army, it was the same thing whether this object was effected in any one way or another. His Lordship was decidedly of opinion, that the Duke of York had been proved to be guilty of gross and culpable negligence in the discharge of the duties of his office, and also of improper connivance.

Mr. LEYCESTER stated, that in his view the House was bound by a regard to its own dignity and character to decide upon resolutions plain, intelligible, and decided. It was their duty to prevent any ambiguity, from which those who came after them would feel unable to assume, whether such resolutions might not be carried by one majority upon one ground, and by another majority on grounds very different. This objection he imputed both to the original Address, and to the Amendment of the Right Honourable Gentleman on the floor (Mr. Bankes) to the latter most particularly. In his view of the course recommended by that Gentleman it was this, that the House should first acquit his Royal Highness of any corrupt participation, but that it should subsequently decide upon an Address to the Throne, which imputed to the Duke of York the strongest suspicion of being aware of such discreditable transactions. Now if it could be contended, that the evidence made out the charge of suspicion in his Royal Highness, he could not see how the House could support the first Resolution of the Right Honourable Gentleman, but if the House agreed, as he most sincerely did feel that there existed no grounds for the charge of criminal participation, he could not reconcile to himself by what means those who agreed in that Resolution, could afterwards vote for an Address of removal, founded as it was upon an alleged suspicion and knowledge of what was going forward, which, if true, must amount to participation. The Learned Gentleman then proceeded to discuss the various details of evidence, in so low a tone of voice, as rendered it impossible for strangers to hear. After a speech of one hour and a half he sat down *(amidst loud cries of question, question)*. He concluded with an expression of his determination to vote for the Amendment of the Chancellor of the Exchequer.

Sir THOMAS TURTON requested the indulgence of the House for an opportunity to state the reasons which governed the line of conduct he felt it his duty on that important subject to adopt. He had to express his objections to all the various courses which were submitted to their consideration. It had long been a question of serious consideration with him, whether there existed in that House a legitimate power to affect not the life or liberty, but even the character of persons whose conduct was brought before it in its judicial capacity? With such an impression, he could not but deprecate the original Address, and the milk and water Amendment which followed. The exalted rank of the illustrious individual whose case was in consideration, he totally removed out of his view, but if that elevation of rank conferred no privilege, neither did it deprive him of any, which as a British subject he enjoyed. To him, therefore, belonged the right of a full and fair trial by a competent jurisdiction. It was a matter of Parliamentary history that the Commons did exercise its privilege of coming to resolutions upon the conduct of persons holding responsible situations. They had done so, not alone in the case of Lords Somers, Halifax, and Oxford, but in a much more recent period, in the case of Lord Melville. Still he would ask, was not such a course in the present case punishment in its utmost extent? Did it not tend to leave a stain upon the character of his Royal Highness, which, perhaps, no change of circumstance or of time could remove? He would not deny but that the letter of that illustrious personage had filled his mind with considerable apprehensions; still he could not conceal from himself that it contained in the desire it expressed a good deal of British feeling and British spirit. And when it expressed such a desire, and rested upon such claims to justice, he could not but view the Amendment proposed by the Right Honourable Gentleman (Mr. Bankes) as a smooth expedient, equally hostile to the illustrious personage as the original Address, only that it was deprived of the rough bark. The handle was of gold, but the venom of the point was by no means taken away. The Learned Gentleman next proceeded to discuss the various branches of evidence. He considered that Mrs. Clarke's character had been unnecessarily commented upon. All parties had made use of her to prove their own case. She was certainly to be considered as an accomplice, but her testimony was valid, provided there was other proof to connect her evidence with the conduct of the accused. Her evidence was necessary; indeed, if he was allowed the expression, it was to be considered the rubbish which was thrown into the interstices of the superstructure which was to be built upon these charges. With respect to the note, upon which a doubt was excited, whether it was a forgery or not, he could only view that point as leading to one of two alternatives; either that if the note was forged, there was an end to the credit of the testimony upon which all the charges were founded; and if it was not forged, that the circumstance of its reality was presumptive evidence in proof of the influence of Mrs. Clarke over his Royal

Highness. But this was not the only influence which the minutes of evidence disclosed. The House had proofs of an interference in military transactions on the part of Mrs. Sutherland Sinclair with the Duke of York. On the intimation of such a woman as that, the resignation of Major Turner was delayed for a considerable time. And on what ground? On no other but the complaint of that lady, that Major Turner had behaved unkindly to her. It was natural to presume, that other correspondence than what was before that House did take place on this subject; and was it possible, under such circumstances, to deny that the interference and the influence of Mrs. Sutherland was highly improper? It was very desirable that moral purity should be preserved in the British army; but the House should recollect, that the application of Major Turner, which was suspended, was not that he should go into the army, but that he should have permission to get out of it. *(Hear, hear!)* Had he died in the interval of the delay, what excuse would it have been to his executors or to his family to say, that they were deprived of his just claims, because an allegation of unkind conduct, against Mrs. Sinclair, had been communicated by the lady herself to the Commander in Chief?

The Honourable Baronet could not account for the circumstance of General Taylor's recommendation as to the conduct and progress of Colonel French's Levy being overlooked, particularly when the boasted regularity of the system pursued at the Horse Guards was taken into consideration. This circumstance did appear to his mind, when combined with Miss Taylor's evidence, to justify the strongest suspicion of undue influence operating upon the conduct of the Commander in Chief. The learned Gentleman endeavoured to vindicate the lawyers against the general aspersions thrown out in the course of the debate, as he believed the Gentlemen of that profession, much more fond to defend than to accuse, and this disposition was not influenced by rank or situation in life. From the manner in which this discussion had gone on, from the ample and candid examination of evidence which preceded it, he deduced a consolatory circumstance, that whatever the decision of the House might be, which he hoped would be in concurrence, not with popular clamour, but popular feeling, the country would do justice to its representatives. It had been said, that the eyes of the people were turned upon them upon this occasion. Such he thought to be always the case; but he cared not for himself, that the eyes of Argus were upon every part of his conduct. He trusted that he should continue to satisfy his constituents, and he would declare that he could not, consistently with his sense of honour and probity, vote for the Honourable Gentleman's (Mr. Bankes) Address, which insinuated much, but charged nothing—nor for the original Address, which required too much. Agreeing therefore with neither, he would reserve himself for the vote upon the Chancellor of the Exchequer's Resolution, upon which he should propose an Amendment, containing a distinct charge, to form the ground of an ulterior proceeding. This Amendment, he said, would be to the following effect: "That the Duke of York had a knowledge of the corrupt practices disclosed at the Bar."

Mr. RICHARD RYDER declared, that he not only thought with some of his Learned Friends that the evidence of Mrs. Clarke should be entirely laid out of consideration in judging upon the case before the House, but he would go further and say, that if he were a Judge where such evidence was examined, he would order her to prison for perjury. As to Miss Taylor, he must, at the risk of any obloquy that attended it, express his decided opinion, that she was not entitled to belief. The improbability which spoke against her testimony were, indeed, too strong to be resisted. As to the arguments which had been advanced relative to the rules of evidence, he appealed to the House whether any security existed against the most infamous charge by the most infamous accuser, unless the credit of such accuser were to be ascertained by the examination of collateral circumstances. If, indeed, that sort of cross-examination were discarded, a plausibly-constructed story would be alone sufficient to attach the imputation of guilt to the fairest character.

The Learned Gentleman entered into a complimentary detail of the services rendered to the army by the Duke of York, which, in fact, had made it the first army in the world, and therefore he appealed to the House, whether, if the most imperious necessity did not call for it, they would, particularly at such a crisis, desire the removal of such a Commander. To one part of his Royal Highness's official conduct he was enabled to speak from professional knowledge. He meant the administration of justice in the army, and he must say that it was impossible to witness a greater degree of solicitude than his Royal Highness uniformly manifested for administering fair straight-forward justice, without looking to the right or to the left. He was also enabled to add, upon this point, the testimony of his respected predecessor, who had found it necessary to retire from office, in consequence of ill health, and from whom he received an assurance as to the disposition of the Duke of York, which he found to be fully justified by his own experience. When with this experience was combined the notoriety of the Duke of York's conduct respecting the improvement of the army in general—his establishments at Marlow and High Wycombe, and particularly that at Chelsea, for the support of 1,500 orphans—he could not, from any thing that had appeared before the House, persuade himself to vote for the removal of so active, so useful, so just, and so benevolent an officer. To those who dwell so much upon public opinion, which he valued as highly as any man, he would put it, whether it was possible that public opinion could call upon that House to surrender its functions by violating justice, and by so doing endangering the Constitution. They libelled the public who thought so. What, he would ask, would be the natural question of any body of constituents to their representatives, "have you acquitted or convicted the Duke of York?" and what must be the answer of those who should vote for either of the addresses? If the Duke were guilty, a simple removal was an inadequate punishment—while, if innocent, either addresses proposed too much. For although those who moved and supported the Addresses acquitted the Duke in words, yet their Addresses would fix irretrievable infamy upon his Royal Highness's character. In order, therefore, to guard against a double injustice, both to the public and to the accused, he hoped the House would accede to the resolution of his Right Honourable Friend, after the adoption of which it would be competent to any Member to move an ulterior proceeding—to move for the removal of the Duke of York.

Lord TEMPLE began by declaring, that however upon other occasions he might be proud to consider himself, and to act as the member of a party, he would on this most important question be decided by his own feelings. No party considerations, indeed, should ever restrain him from voting against the existence and progress of corruption. Such he hoped was the general sentiment of the House, particularly in the present instance, when the eyes of the country was fixed upon its conduct, and when the fate of the country might depend upon its decision. The House was not called upon to determine what family should occupy the Throne, or under what Constitution we should be governed. No—our affection for the former was daily increasing, by our regard for him who so long filled it, and our attachment to the latter was proved by the amount and promptitude of our sacrifices for its support, while other states, not equally blessed, were crumbling to atoms. It was still the fate of the House in this case to be called upon for the performance of a very important, though unpleasant duty. The question was submitted to it, whether the son of the King was worthy to partake of the regard or confidence which attached to his family? That the character of such a personage should have become a subject of discussion, must be to the House at large, as it was to him, a matter of serious and undisguised regret. But the question must now be met. The cup was presented to them, and they must drink it—the shaft was blown, and it must take its course. As to the objections advanced in the course of the debate, to the idea of deciding upon the case of the Duke of York without the ordinary forms of trial granted to other subjects, without examining evidence upon oath, such objections ought in fact to have been urged at the beginning, before the inquiry had, at the instance of the Duke of York's own friends, been gone into. The House would be able, from this reflection, to set a proper value upon the objections alluded to; and also upon the complaints which have been made with respect to the existence of prejudices. True it was, that prejudices did prevail upon the subject of this inquiry, calculated very much to warp the feelings and affect the judgment. For himself, he was ready to confess that he partook of those prejudices, as he entertained a strong partiality towards the Duke of York, which was the natural result of the knowledge he had of his Royal Highness, and particularly of the arrangements he had made for the improvement of the army. But as a judge, it was his endeavour, as it was his duty, to get rid of such prejudices before he came to a vote. As to any other prejudices which had been alluded to, they were in fact inseparable from the nature of the investigation---from the daily publication of what took place in that House—but he would ask, whether the prevalence of such prejudices could be consistently dwelt upon by those persons who had themselves recommended the publicity of proceeding to which they owed their birth?

With regard to the vote which the House was called upon to pronounce, he should have no hesitation in voting in the negative, upon any specific charge of corruption, but he would prefer the Address, as it amalgamated all the charges into one case, and proposed a form of proceeding more consonant to the dignity and usage of Parliament than the adoption of any or more Resolutions. It was much more consistent to carry the sentiments of the House to the foot of the Throne at once, than to record them in the Journals of the House in the shape of Resolutions, in which shape they might lie dormant. He was therefore an advocate for the Address, and, of the two, he should prefer the original.

After some observations upon the testimony of Mrs. Clarke, which he fully credited upon those points in which she was corroborated, and replying to the objections of his Right Honourable Friend (Mr. Windham), as to the testimony of Miss Taylor, which he conceived to be quite unshaken, and which fully proved that the Duke of York permitted Mrs. Clarke to interfere in his official duties, the Noble Lord proceeded to animadvert upon the allusions made to the expenditure at Gloucester-place. The inferences drawn from the amount of that expenditure appeared to him to be quite unfounded. Indeed before any such inferences could be allowable, it must be assumed, that the Duke of York was aware of the expence of this establishment—that he was apt to look over the accounts. Now although he felt that it was no excuse for any man that he neglected such matters, still as this was a case upon which it was proper to speak out, he must ask, why, if the Duke of York never looked over his own expences, it should be supposed that he was aware of the expences of this woman? He rather believed that his Royal Highness was much more disposed to profusion and extravagance, than to that sort of care and discretion which would be apt to lead to such an examination. These remarks he thought it necessary to make, in order to remove the impression which appeared to have been made upon some minds, in consequence of the expence of the establishment alluded to.

Here the Noble Lord expressed his satisfaction that he had now the pleasing part of his duty to perform—namely, to acquit the Duke of York of any personal corruption; yet, at the same time, he must say, that it was evident his Royal Highness had improperly permitted Mrs. Clarke's interference upon the subject of military promotions, and had also used his influence to procure places for her in other departments of the state—of this the House had irrefragable proof in the case of O'Meara, which he thought the strongest against the Duke of York. What, that a person professing a call from a God! that a Minister of purity introduced by Mrs. Clarke should meet the patronage of the Duke of York! that his Royal Highness could permit himself to be so forgetful of the duty he owed to his rank, character, and situation, furnished at once matter of astonishment, and ground for censure. But the undue influence and interposition of Mrs. Clarke was still further proved, by the instances of Knight, Elderton, and Clavering. This deduction from all these cases that the Duke of York did permit the interference complained of, and therefore he should vote for the Address. But if his opinions were such as had been expressed last night by his Right Honourable Friend near him (Mr. Windham), if his mind were so nicely balanced between the guilt and innocence of the Duke—if, indeed, it was so near acquittal as his Right Honourable Friend professed it to be, he would not split hairs so long, and with half a hair strangle his Royal Highness. (*A laugh*).

After all that had been proved and observed upon this subject within that House, and after a due consideration of the opinion which was known universally to prevail throughout, he would seriously ask, whether it was not meant to advise the Duke of York to resign, or whether his Royal Highness himself did not entertain the intention? Sure he was, that Ministers would not do their duty, if they did not advise his Majesty to recommend such a resignation. If not, Ministers would not deserve the confidence of any part of the country---and what serious consequences were likely to follow? If, indeed, his Royal Highness should not resign, the most serious evils were to be apprehended. Obstacles must arise, cross him in every step he took to thwart his views, and impede his progress in every quarter. The time, said the Noble Lord, is perhaps not far distant, when we may have to fight for British interests upon British ground, and when all may depend upon the confidence reposed in the Commander of our army. But after what has transpired on this inquiry---with the impression that prevails through the country---with all that is written on the mind, and that appears to the eye, I would ask, whether the Duke of York can look for that confidence which may be so essential to our safety?---which, in fact, is the rallying point, the very soul of an army---in that sentiment which the address I mean to support has in view, his Royal Highness, by the course of reform he has promised, and which I have no doubt he will pursue, may recover the confidence which must, I am sorry to say, be for some time suspended. Indeed, it is impossible that this House should not feel, and that feeling, it should shrink from declaring that the Duke of York cannot, at present, retain the command of the army. It behoves this House to take care how it proceeds upon this important occasion. It was an apothegm of Lord Burleigh's, that England could never be ruined but by its Parliament, and I say, that this country never can be ruined while the Parliament does its duty.

The LORD ADVOCATE of SCOTLAND rose, amidst a universal cry of "Mr. Wilberforce! Mr. Wilberforce!" and said, the great impatience expressed by the House, could not however reconcile it to him to give a silent vote on such an occasion.

[Here there arose a clamorous cry of question! question! which, though at first checked by the interposition of the Speaker, broke out at intervals, which prevented us from hearing more from the Learned Lord than what enabled us to conclude that he would vote for the amendment of the Chancellor of the Exchequer.

Mr. WILBERFORCE then rose and began by stating that he deferred to the latest opportunity his intention of offering to the House his sentiments on the present most important question, because he confessed that it was his uniform and anxious wish to hear all that might be said upon the subject upon either side, according to the various views that different minds might be severally disposed to take of it, before he ventured to state his opinion, that he might see it, in every light, and in every shape, that it could, perhaps, possibly appear in; and it had been with a view to this, that he had from the very commencement of this business, down to that moment, devoted his fixed and undivided attention to every part as it passed successively under his observation, both with respect to the evidence, and the variety of commentary that evidence had called forth; because it was his wish, as it unquestionably was his duty, to avail himself of every possible advantage, that could enable him to come ultimately to an opinion at once firm, impartial, and decided. And in the first place before he proceeded to observe upon the case itself, he could not help adverting to the disposition he felt at the time when the charges were first brought forward. Here he must frankly confess, that he had his full share in participating in those prejudices in favour of the accused which had been felt and acknowledged by others; and, therefore, whatever criminality there might be in persons in a judicial capacity involuntarily giving admission to such feelings, he could not help candidly acknowledging, that he must come in for his full share of it, for the charges did appear to him to be so extremely improbable, that the Honourable Member who had originated them must forgive him (Mr. W.) when he said, that he was almost satisfied that they would not be substantiated. The result, however, of the investigation upon his mind had been such as to shew that though he could not altogether get rid of those prejudices, he had not suffered them to interfere so far as to bias his affections, close his views, or influence his judgment. The question appeared obviously to divide itself into two parts. The first and grand one was, whether the Duke of York had been guilty of corruption, or of participation in the corruption of others, or of criminal connivance at that corruption. In the next place, it would be for the House to claim the right of taking into their consideration the whole of the rest of the charges taken together. As to the first, as far as related to the criminal connivance of the Duke of York at corruption, and his participating in that corruption, he could not help stating that it did appear astonishing to him, that his Royal Highness could have been wholly without suspicion of the nature of the corrupt transactions which were proved beyond a doubt to have taken place. Was it not astonishing that the Duke never received any intimation of such transactions, from any of his numerous military friends or acquaintances? and was it not still more so, that the Duke only should never have once heard that a very generally-prevalent idea of corrupt abuses in army promotions had gone forth, and was very generally credited? It was not done in a corner. The charge had been open and avowed; and, however groundless or malicious, it certainly had not been urged either ambiguously or latently. Those charges had made their way into print; they had appeared expressly in pamphlets, which, though he had never seen, he was aware had excited a lively attention on the part of the public, and therefore must have been necessarily very generally spoken of. And yet were they, in defiance of such strong probability, to conclude, that the Duke alone was unconscious of what he himself was most interested in, and what occupied the attention and filled the conversation of every other man. One would be inclined to suppose, that, in the discharge of the very duties of his office, he would be apt to come at some means of hearing what theme had so engaged the attention of the public; and that if any communication of such prevalent reports had been made to His Royal Highness, it would have been received in the manner in which such a communication ought to be received, and that became an honest man, conscious of his own innocence, and not shrinking from the assertion of his honour. It had long been a general notion that the army patronage had been corruptly disposed of. Was the Duke of York quite ignorant that such a notion had been generally entertained? and that some mistress was believed to be the channel through which that patronage had been exercised and abused? From the education of His Royal Highness, he could not have been ignorant that at all times a mistress had been the active instrument in carrying into effect corrupt traffic. His Royal Highness could not be well versed in the history of this country if he did not know what influence in forwarding and promoting schemes of corruption the mistresses of princes had at all times evinced. He must have read but little of the history of France, if he had not discovered that it inculcated the same truth, and that in all ages of corruption the mistresses of princes kept a sort of shop for bartering the favours of the Court, and it did not appear that in the present age they were willing to resign their prescriptive right to that species of traffic. A Right Hon. Friend of his (Mr. Yorke) had stated that the lady had come from the shop of an army broker into the protection of His Royal Highness, and that, therefore, she came ready made for the work she had afterwards so assiduously and successfully devoted herself to; but should not the knowledge of this circumstance have operated only to have made His Royal Highness more watchful of her movements, and more jealous of her interference in his official duties? was he to be less suspicious of resorting to such practices, because he knew that she been long in the habit of them? and did not this go, along with every other circumstance, to increase their astonishment, that the Duke of York could have had no suspicion of her corrupt trafficking? With another circumstance which he found it equally difficult to reconcile, was the knowledge the Duke of York must have had of the pecuniary necessities of Mrs. Clarke. He did know that she was distressed for money, and at the very period that she was constantly in the habit of soliciting him, from time to time, in behalf of many different persons of various ranks, and different professions. Now, when he put all those things together, they did, when accumulated, appear so strong and irresistible, that he must repeat his astonishment that it could be possible for the Duke to have felt no suspicion of Mrs. Clarke being involved in such corrupt transactions. There did appear in the evidence of Corri, a circumstance that he could not help thinking also went to shew how unlikely it was that the Duke must have been wholly free from suspicion; when it appeared, that a few months before the connection was broke, that she had ordered Corri to burn all her letters and papers, and that she had acknowledged that the Duke had heard something which had transpired, and that he was very angry, and that they might be brought before the House. There was another circumstance which he could not help observing upon, and which shewed a sort of wilful blindness on the part of the Duke of York to the dangers and difficulties of his situation; he meant His Royal Highness never having shewn any wish to consult, nor never having actually consulted any of those honourable and good men with whom he was surrounded, as to the best mode of preventing Mrs. Clarke in her interference with his official duties, and of guarding himself and his character against any committal of either with his mistress; upon such a subject his mistress could not be the fittest guardian of his honour, and one would have expected that on the least suspicion of her interference he would have at once resorted to the advice of such honourable men; but, on the contrary, he not only avoids all intercourse with them on the subject —he not only does not communicate with them upon it, but he tries to keep them in the dark. This was not the conduct of a man who was himself free from suspicion. But there could be no doubt, on the other hand, of the paramount influence this communication had upon his mind, and that he was naturally disposed to submit to an influence of this kind was to be inferred from another circumstance that had come out in the evidence. He alluded to that, where it appeared that on a particular occasion, when an application had been made for leave to sell out on the part of Major Turner, it was delayed in consequence of a letter from Mrs. Sinclair Sutherland preferring a groundless complaint against Major Turner; but it was necessary for the Duke to satisfy Colonel Gordon, and accordingly he put this letter into his hands when he required of him to delay forwarding Turner's business. They recollected, too, that Colonel Gordon had said that he did not then know such a person in the world. Here it was only necessary to add, that it was believed that Mrs. Sutherland had been, at a former period, mistress to His Royal Highness. Here, then, he not only shut his eyes, but industriously deceived those and kept them in the dark who might have been able to have led him aside from the dark precipice to which he was advancing, and it was matter of great regret to perceive, that though it did appear in evidence, that Colonel Gordon shared a due portion of the confidence of the Commander in Chief in the department of his office, that there was no reason to believe that that confidence extended to any thing beyond official communication. Colonel Gordon was deprived of the means of rendering him the best office of a friend—he was not the bosom friend—he was not permitted to be the bosom friend of His Royal Highness, and it would have been well for the latter that he had, the communication must have been attended with the most beneficial consequences, for it appeared Colonel Gordon had all along kept himself at a dignified distance from the private immoralities of His Royal Highness. Before he proceeded to comment upon the cases, which he should do with all possible brevity, he could not help making one remark of practical importance, it was with respect to the very different circumstances in which the persons at the different sides of the question were placed. A Noble Lord behind (Lord Folkstone), in his most excellent speech had said, and truly said, that the accused had had every advantage of legal knowledge, and every other aid that rank, power, and influence could give him; and, thererefore, if any unfavourable impressions remained with respect to any of the charges, or all of them, it certainly was not because any thing that could, in the remotest degree, be brought forward, whether to disprove, to palliate, or to justify, had eluded the vigilance, or escaped the sagacity of his numerous and zealous advocates. With regard to the evidence in general, he should not think it necessary to go then into abstract commentary on the rules and nature of evidence; but in charges of that nature, the proof must come either from Mrs. Clarke, or the Duke of York, or those who received the favours, and the agents who were employed in the transaction. Now it did so happen, that they had laid before them all these several sorts of evidence. They had Mrs. Clarke's—they had that of the Duke of York himself—*(hear! hear!)*—they had that of those persons who had been benefited by receiving those favours—and they had that of the agents who had been employed in treating for them. They had also, beside the letters written by the Duke himself, several other notes and letters written at the time, and at a distance, that it was not possible any of them could have been written in latent reference to those charges. With regard to the witnesses, he would say a few words, and first, as to Mrs. Clarke,—her testimony, no doubt, was to be received with all due caution, but where corroborated it must be credited. A Right Honourable and Learned Friend of his (Mr. Ryder) had talked of the difference between evidence on oath and taken at the bar of that House, his Right Honourable Friend would no doubt do him the justice to recollect that he had in the beginning foreseen many of the difficulties, and had anticipated the inconveniencies that would result from such a mode of proceeding as the present; at the same time he could not admit the force of his Right Honourable Friend's objection; and when his Learned Friend said that Mrs. Clarke would have answered in a very different way upon oath to what she had done at the bar, he replied to that by asking if the House would not have received her evidence upon oath in a very different manner. *(Hear! hear!)* But see how she was confirmed, and how unexpectedly, how extraordinarily confirmed, too; there were many parts of her evidence which, when they were first given, he and many Gentlemen near him thought at the time she was romancing. Who believed her when she first mentioned Dr. O'Meara? He, for his part, thought the same Dr. O'Meara to be a mere creature of her own imagination; and again, in the case of General Clavering, where she was compelled to bring forward unknown and forgotten documents, that put the truth of her evidence beyond doubt. He would now mention one or two instances of small confirmations, that though small, were by no means unimportant; the first was the manner in which she had received the slip of paper from Dr. Thynne, concerning which she gave the same account Dr. Thynne had given, and before she could possibly have known that he had given the account he did, and she stated, that she shewed this slip of paper to the Duke after dinner—another small confirmation was, that she had stated that she never suffered a livery servant to come into the room when His Royal Highness happened to be present; now in a subsequent examination it appeared, that Samuel Carter and the coachman, had both upon one occasion attended in the room when the Duke was there, but it afterwards came out by mere accident, and not at all with a view to confirm her former testimony, that in fact, upon that occasion, neither Carter nor the coachman wore a livery. There was also another small confirmation as to the list containing the names of the parties applying, the things to be obtained, and the sum proffered for them. Now, those matters might appear trifling, but he could not think they were; the more trifling they were, the less claim they could have had to the accuracy of her memory; but unquestionably the grand confirmations are the Duke's letters and the other papers. He thought it was evident from those letters, which she never could have foreseen would have been brought forward, that there had been a long and habitual interference on the part of Mrs. Clarke in military matters; and here he could not avoid expressing his surprise that honourable gentlemen should have omitted to make any observation whatever on these papers—they did not appear to have attended at all to this most important part of the written evidence, and though they were deciding as judges, they forgot to sum up all the evidence. It was utterly impossible that Mrs. Clarke could have foreseen that those notes could have confirmed her testimony in this case. Suppose that the friends of the Duke had known that so many of her letters were in the hands of Captain Sandon and Mr. Nichols, would they not, from the confidence they felt in his innocence, have exultingly called for those letters, and expected to have found those valuable documents to contain satisfactory proofs that the charges were grossly false; but instead of that they now rather served to give colour to those charges, and afford strong proofs of some of the material parts of some of the charges. At the same time he did not believe that the Duke of York looked to the sale of commissions as a constant source from whence to supply his necessities. This he did not believe. Neither did he believe her when she said that the Duke of York told her that she had more power than the Queen. Therefore, of the absolute knowledge of the corruption he thought they might acquit the Duke. The chief importance of Knight's case he thought to be, that it went to shew that there was a general prevailing sentiment that there was no way of getting on in the army but by such base traffic. Dowler's case he thought to be a most serious one. There was certainly not the slightest proof of the one thousand pounds having been paid, but then he thought it made out that the appointment was yet through her influence. He had good reason for believing that the politics of Dowler had been opposite to those of Sir Brooke Watson; the one had been fifteen years a member of the Whig club, and had opposed the other in his own ward; it was not likely that Sir Brooke would put him into a situation in his own office. With respect to French's levy, there certainly was something in that exceedingly suspicious; he would not go into it, but the evidence had been, in a great measure, confirmed by the letters, in the whole of it Captain Sandon, whether her dupe or her accomplice, seems to have had every opinion of the strength of her influence over the Duke of York. So much so as that he was in the habit of sending her money from time to time. The words of the Duke, as deposed to by Miss Taylor, were by some Gentlemen denied to be necessarily implying a criminal connivance on the part of the Duke; but he was at a loss to say to what those words could have alluded, unless they meant what money Mrs. Clarke was getting by the levy. However, on these words merely, as it was impossible to be sure of their accuracy, he would not find the Duke guilty of corruption. Another circumstance was, that Capt. Sandon had given precisely the same account at Portsmouth originally, which he afterwards gave here. The influence of this woman was unquestionably very great, and when they recollected how readily he yielded to the solicitations of Mrs. Sutherland, in by no means a reasonable request, they would be better enabled to judge how much greater the influence of Mrs. Clarke must have been, and how much farther he could have been led by her, if he could be induced to go so far, in such a case, for Mrs. Sutherland. The situation of the Duke was like that of a man, who, after neglecting his affairs for some time, was afraid to look into them, conscious of his situation, but endeavouring to blind himself to it until he deceives himself into a fatal misapprehension of his real condition; every man that was at all conversant with our nature, must know how easily we can deceive ourselves when we earnestly wish to do so. He could not, however, positively say that the Duke actually knew of the corruption. He disapproved, however, so much of the Amendment of the Chancellor of the Exchequer, that if no option was left him but that he must decide either for that or the original Address, he must say, that of the two convictions, the stronger one would incline him to vote with the Honourable Member (Mr. Wardle), but to both he preferred the Amendment of his Honourable Friend (Mr. Baukes); that was entirely satisfactory to his mind. The Gentlemen opposite wished to have it stronger, but that was an old trick. He was too old a soldier not to be aware of that trick in parliamentary warfare. (*A laugh.*) He approved of it every way; thought it just and manly, and it spoke the truth; if it leads to a most painful suspicion, he could not help that—he was not guilty—it was not he who was cruel towards His Royal Highness, they had been guilty and cruel, who did not, before it was too late, awaken him to a sense of his situation.

In adverting to the internal evidence, Mr. Wilberforce expressed his conviction that there could be no plot in the case. Mrs. Clarke, it appeared, was on bad terms with Maltby, with Sandon, and others with whom this plot must have been contrived. Dowler and Sandon had but just arrived from the Continent. There was, he frankly confessed, the strongest confirmation of her evidence on some of the most material points in the letters—a sort of evidence which had always been considered as the best, as they were written at the time; and of many of these she herself did not know the existence. He next adverted to the argument in favour of the Duke of York, deduced from the management of the army. As far as this tended to shew that these transactions had no material bad effect on the character of the army, he thought the argument a just one; but when brought forward as something to be placed in the opposite scale, it rather tended to prove the strength of the evidence. He allowed that the Duke of York, by placing Colonel Gordon, and other most honourable persons, about him in his office, had given a bond to the public for the correctness of his own conduct—and one could only regret that he had not, when he knew of Mrs. Clarke's interference, given instructions to them to check it. He could not doubt, from the evidence of the Honourable General opposite (Sir A. Wellesley), and others, that improvements had taken place in the constitution of the army; but he rather thought the Hon. General did not do justice to himself or his fellow soldiers, when he ascribed his and their victories to the Duke of York. The excellence of the British, he rather ascribed to the freedom of the British Constitution, and that gradually-descending scale of rank, which gave every independent man consequence, and a feeling of dignity which spread over the whole community—

Magno se corpore miscet.

If the House refused to state the conviction which this evidence was calculated to produce, the public would not believe that they were not convinced, but only that political reasons prevented their expression of that conviction. The House had a duty to perform, and it was bound to express its conviction. The motion of his Honourable Friend (Mr. Bankes) concurred entirely with his view of the subject. He acquitted His Royal Highness of any participation in the fruits of the corruption, but he could not entirely acquit him of connivance. After the scenes which had been disclosed at the bar, and exposed to the country and to all Europe, it was absolutely necessary that the

House should express its sense of these abuses; and the motion of his Honourable Friend he considered as wise, prudent, moderate, and just. It was inconsistent with a proper regard to the morals and the safety of the country, that the army should continue any longer under the management of His Royal Highness. It was the fashion to call things by soft names; but that was a sort of currency which would not pass in this country—it resembled the delicate expression of "being a mother without being a wife."—After having been engaged from day to day in collecting evidence on the subject of these moral delinquencies, if the House at last said nothing about them, it would suffer a deterioration which it might never recover. All who heard him knew, that the writings of the best and the wisest men concurred in the necessity of a regard to religion and morality for the safety of a state, and dated the decline of nations from the decline of these. Unless a strong opinion was pronounced on these moral delinquencies, the House could not conceive what an effect would be produced, not only among the serious part of the community, but among all ranks and descriptions of men.—Mr. Wilberforce here read a passage from Machiavel, where it was stated that there was no surer test of the decline of a nation than its neglect and contempt of public worship.

His Right Honourable Friend opposite, Mr. W. further observed, might say that he had in his proposed Address adverted to these immoralities; but really, he had done so in such a slight way, that it would be much better to say nothing at all about them. It appeared to him, that in that Address much more respect was paid to courtly civility than to morals; and it contained, besides, an expression of confidence in the reformation of his Royal Highness, which went beyond the ordinary confidence of that House. The Noble Lord behind him, in adverting to the influence of mistresses, had naturally turned to the time of Charles the Second. This put him in mind of a circumstance, which was somewhat analagous to the courtly censure conveyed in the Chancellor of the Exchequer's Address. A certain Board had determined to censure the King for his behaviour to one of his mistresses; and a Mr. Douglas was appointed to give the reprimand. They waited on the King; and Mr. Douglas, advancing to the King, so as to be out of their hearing, said, "The next time your Majesty does such things, we humbly request that you would shut your window shutters." This sort of censure Mr. W. characterized as courtly flummery. The regret was—not that the laws of religion and morality had been violated, but that the Duke of York had been engaged in practices which exposed his conduct to public animadversion. If the House meant at all to mark its regard to morality, it ought to do so in a manner becoming the subject. When his Royal Highness in his letter expressed his concern, it was merely on account of the disadvantages which had resulted to himself. The address of the Chancellor of the Exchequer was, in this respect, a mere echo to the letter, which ought never to have been received, and which had better be forgotten. In the just tribute to his Majesty he heartily concurred. To him every man in the country was under the deepest obligation, as his example had perhaps contributed more to retard the decline of morality than any other circumstance. He wished that this example might produce its proper effect on all the members of the family. The more they looked to that example the more they would consult their own honour. The requisition upon the private feelings of the House he considered as inconsistent with its judicial character. A Judge was bound to pronounce, not from a private feeling, but according to the evidence. He mentioned an observation of Judge Hale, one of the most humane of judges, that mercy was also due to the country.

Mr. W. proceeded, amidst coughing, and loud cries for the question, to state that it became gentlemen to consider well whether they would permit his Royal Highness to remain in the chief command of the army after the scenes which had been disclosed at the bar. As far as he was concerned, he must say that the Duke of York could not be allowed to remain there with safety and prudence. As an instance of the danger, he observed, that the enemy might, by large bribes, have recourse to such a woman for information: and he adverted to the effects of such a policy in the Austrian campaigns, and in the case of the Emperor Paul of Russia. When so great sacrifices were required of the people they had a right to expect the severest censure of these practices from their representatives. Much of the character of the House with the public depended upon the vote of that night. He did not say that they ought to act from popular influence in opposition to their own conviction; but it ought to be recollected that the House derived its strength from the confidence of the people. Some verbal alterations in his motion he thought his Honourable Friend would not object to; but on account of any little objection of that sort, Gentlemen ought not to be restrained from performing a great practical duty.

Mr. CANNING rose amidst loud cries of *Question!* and made an ingenious speech, to which the lateness of the hour precludes a possibility of doing justice. He strongly objected to the compromise of opinions on this subject, and was astonished that his Honourable Friend (Mr. Wilberforce) of all men, should have proposed such a thing, considering how little he had practised the tactics of Parliament. The House ought to come to a specific decision on the charge of corruption. His Honourable Friend had said that he was not prepared to say that the Duke had connived—*(No, no, from Mr. Wilberforce)*. Then he was prepared to say so *(No, no)*. Then he was not prepared to say any thing on the subject. *(A loud* *laugh).* And this was the result of six days debate. He felt deeply on the point of morals, but he doubted whether it was a subject proper for this House to take up. He denied that the House was disposed to interpose a shield between his Royal Highness and conviction, merely on account of his illustrious descent; but he hoped the consideration of his rank would not operate against him. He affirmed, that if the Address of Mr. Wardle was carried, corruption would appear on the record; and, therefore, justice to the illustrious Duke required that the House should, in the first instance, decide on the charge of corruption. The plan proposed on the other side was of the same nature as if a Judge should say to a Jury, " Gentlemen, whether the prisoner is guilty of this or that, I know not; but that is not the question for you to decide: you are to consider whether, from other circumstances, it may not be prudent to have him hanged." *(A laugh).*

The grave charge of corruption having been made that ought to be disposed of. But he allowed that after that there were minor considerations which well deserved the attention of the House. This question, however, ought to be disposed of separately. With regard to the letter of the Duke of York to the House, he stated that the meanest person at the bar of a court of justice was forced to plead not guilty. He was forced to say that he would be tried by God and his Country. Yet when the Duke of York called for trial in this way, it was to be denied him. Was that equality? The mode which the Duke of York had taken of addressing a letter to the Speaker, he affirmed to be a much better course than if he had himself come into the House, for in the latter course he must have solicited the consent of his Peers. He affirmed, in opposition to what had fallen from the last speaker, that the letters had been fully considered by those who supported the propositions of the Chancellor of the Exchequer, and mentioned that thirty-one out of forty-two had been commented on in one speech (that of Mr. Croker).

The note which had excited such a sensation had been swelled into more importance than it deserved. He protested against this method of drawing inferences from the letters of public men, and mentioned an instance of a letter which he himself had written to a poetical Lady, who had written an Ode on Vaccination, which by such inferences might be tortured into high treason. He expressed his astonishment that it should have been said, that Sir B. Watson could not have appointed Mr. Dowler, because his father differed from him in politics; and remarked with a great deal of humour, upon the lofty political dissensions between Deputy Dowler and Commissary Watson. He denied that he had said that infamy must attach to the accused or the accuser, though he did say that it must rest somewhere; and it did rest with that confederacy, of which the Duke of York had been the dupe and the victim. As he had in one instance been misrepresented by addition, he had in another been misrepresented by curtailment. When he said that some men might be led to doubt whether the licentiousness of the Press did not overbalance its benefits—he had added, that the evil was temporary, but the good permanent. This had been left out, and as an argument in favour of his own recollection, he alluded to the misrepresentation as having taken place in one publication only, out of twelve. Mr. Canning also observed, that before these charges had been brought forward, it would have been well to have weighed, whether the evil would not surpass the good that could be produced. This was his feeling, and he would not conceal it, though he should be misrepresented so far as to have said, that the transgressions of Princes ought to be overlooked. If the day should come, when the thanks of the House should be moved to the accuser, he would oppose the motion, and he trusted he would find many to join him. He concluded a most able speech, by again insisting upon the necessity of coming to a distinct resolution on the charge of corruption.

Lord FOLKSTONE, in explanation, said, that as to the observations which had fallen from him, on the point of infamy, they fell to the ground, if the Right Honourable Gentleman had not made use of the words attributed to him; but, at the same time, he spoke not from any publication, but from his own recollection. In allusion to an insinuation against him, by Mr. Canning, he observed, that he had arrogated to himself more authority than the Almighty, when he (Mr. Canning) visited the sins of the father on the children, to the third and fourth generation. His Lordship appealed to the House as to the want of liberality and decency in such a proceeding (*Hear, hear, hear!*).

Mr. PONSONBY observed, that the House must have been highly satisfied with the cool and candid manner in which the Right Honourable Gentleman had performed his judicial duty (*a loud laugh*). The Right Honourable Gentleman assumed that it was the duty of the House to proceed by Resolution. But where he found this principle, he had forborne to state. He (Mr. Ponsonby) was disposed to acquit the Duke of York of personal corruption; but on what remained he had no doubt that his Royal Highness ought to be removed from his situation of Commander in Chief.

It was utterly impossible, the Honourable Gentleman observed, to say that the Duke of York was not implicated in the corruption, when he allowed Mrs. Clarke to persevere in carrying it on. The case of Kennett was surely [illegible] the army, but, at the same time, the [illegible] the Duke of York as Commander in Chief, and he [illegible] not find that the communication had been discontinued. This transaction was so near to personal corruption, so loose and vague in itself, that it was impossible to say it should not actuate the conduct of the Commander in Chief. This was a case of all others in which the educated part of the community was capable of judging. They were accustomed to weigh evidence as well as the Members of that House, and it was in vain for Gentlemen of their own authority to give such a character to their own proceedings. There never was any thing so necessary as that the People should have confidence in their Representatives—that they should think them honourable, and that they should really be so.

The question was then loudly called for, and the strangers were ordered to withdraw.

Mr. TIERNEY spoke after the Gallery was cleared, but the purport of his speech we were unable to collect.

While the Noes were in the Lobby, Mr. Perceval addressed them. He observed, that it was likely there might be several divisions to-night. The first merely regarded the form of proceeding. The second would dispose of Mr. Wardle's Address. If it should be negatived, he should then move the second of his Resolutions, having waved the first. The effect of this Resolution would be, to declare the opinion of the House on the innocence of the Duke of York. Having succeeded in it, he should move that the farther proceedings be adjourned till Friday. He begged, however, that Gentlemen would not leave the House, as it was desirable that the main question should be carried this night, and he suspected there might be several divisions.

On a division the numbers were—

For Mr. Bankes's Amendment	199
Against it	294
Majority against the amendment	95

A second division afterwards took place on Mr. Perceval's amendment on Mr. Wardle's Address.

For the amendment	364
For the original motion	123
Majority in favour of the Duke of York .	—241

Adjourned.

Friday, March 17.

The Order of the Day for resuming the Adjourned Debate on the Charges against the Duke of York, having been read, the Speaker stated the question.

Some conversation then took place between the Chancellor of the Exchequer and Mr. Tierney, with reference to something that had passed on the last night of the discussion, as to the mode of proceeding. The Chancellor of the Exchequer wished to know if there were any objections to the Resolution he had then read to the House, to which Mr. Tierney objected.

The Chancellor of the Exchequer thought it unnecessary that the House should come to a distinct Resolution upon the question. When the first Resolution he had proposed should be withdrawn, he considered Gentlemen might then engraft any motion upon the Address which they thought expedient. The motion which he intended to propose, would have the effect of stating, that the House, having examined the Charges, and heard evidence thereon with respect to the allegation of corruption in the sale of commissions, and having carefully considered the evidence, and finding that personal corruption and connivance have been alleged without evidence to make good the said allegations, express an opinion on the truth of these allegations. The Right Honourable Gentleman did not wish to press this Resolution, which was merely descriptive.

Mr. TIERNEY considered the course which the Right Honourable Gentleman proposed to pursue, as not to be the best that could be adopted. He had one great objection to the Resolution, namely, that upon entering it upon the Journals, it would appear as if nothing had come before the House to criminate the Duke of York. With respect to the charges of corruption or criminal connivance—the question of the Address on a former night had disposed of these topics, and, as he trusted, to the satisfaction of the House. He was desirous of remedying the inconveniencies to which they had been placed, by proposing some measure best calculated to convey to the public the real sentiments of their Representatives, and to satisfy that anxiety which was so evident in the public mind. He had no objection that there should be distinct Resolutions to convey the idea, that the charge of corruption was done away. The character of the Duke of York he conceived to be public property. If the official functions had been vested in any other man, he should have conceived it as private property. The people had a right to object, as their interests were concerned, that no person should sit upon the Throne whose character had been tainted. He did not mean to say that his Royal Highness the Duke of York was in such a situation. In an hereditary government, where it was known that Princes were vicious, care had been taken to prevent them from ascending the Throne. As to the present case, it had not been proved that his Royal Highness had been guilty of corruption. An idea had gone abroad that the House had disposed of the question entirely. It was with this view that he would wish to propose some question for the decision of the House, so that the public might be assured that Parliament had not entirely disposed of the case. (*Hear! hear!*) The impression was so very general that the Duke of York had received an acquittal, that every Gentleman must be interested in endeavouring to remove it. The proposition which he should submit for their consideration, would go that length. The Right Honourable Gentleman had said, that all that the House had to do was to inquire whether his Royal Highness the Duke of York was corrupt. They had already acquitted him of corruption. He was disposed to acquiesce in that acquittal; but then his Royal Highness came before the House in another character—that of a public functionary. If Royal Persons would take upon themselves the character of public functionaries, the House was bound to decide on their conduct, as if they were any other persons. *(Hear! hear!)* In the Resolution the Right Honourable Gentleman proposed, it was necessary that Parliament should inquire into the other matters growing out of the Charge; and a Resolution to the effect he proposed would answer that purpose. As it now stood, it would go forth in the world, that all the House of Commons had to enquire about, was whether his Royal Highness was corrupt or not, and to come to the simple question of guilty, Aye or No. Would the Right Honourable Gentleman agree to a Resolution to this effect: That having inquired into the Charges alleged against the Duke of York, the House thought it necessary to inquire into the whole of the circumstances connected with his Royal Highness as Commander in Chief? It was more painful to those who wish well to the Duke, to pronounce an opinion upon his conduct as Commander in Chief. It was his wish to let his Royal Highness's affairs pass as mildly as possible, but by pressing a Resolution to that effect, the Right Honourable Gentleman had forced him to say what otherwise he would not have said. He knew that his Royal Highness, and all those who knew him were satisfied, that he was entitled to every thing that could be said of him, as a mild, good-natured, and attentive man in his official capacity; but entertaining that opinion of his Royal Highness, he had another duty to perform, a duty to the public, and this made it necessary for him to declare, that public offices should not be filled by persons on whom even suspicion might rest. The Right Honourable Gentleman, by his Resolution, would pass over every thing of the kind, and would acquit his Royal Highness of corruption, and declare to the public that they must be satisfied with that acquittal. The House would then be placed in an extremely awkward situation. The minds of all ranks of the public had been turned by anxiety. In every company it was the subject of conversation; and here, when the public were expecting an opinion upon the conduct of the Duke of York, a Resolution is proposed, which gives no opinion at all! He was far from being a slave to public opinion, but if he did not pursue that line of conduct which, as a public man, he conceived was proper, he should be ashamed to look the public in the face! What was the object of the Address which the Right Honourable Gentleman proposed? It was in effect an Address to his Majesty, to continue the Duke of York in his command. For, after its stating the inquiry that had been gone into, the hope was expressed that his Royal Highness the Duke of York would imitate the bright example set by his illustrious parent during the whole of his reign. What was this? Why, giving to his Majesty something more than a broad hint, that his Royal Highness should not be removed. (*Hear! hear!*) He wished to guard Gentlemen against going too much with the Chancellor of the Exchequer! With respect to the letter, he must say that his Royal Highness had been hardly dealt with. This, in his opinion, was the production of a cabinet. (*Hear! hear!*) The Right Honourable Gentleman, on a former night, had insinuated that the Honourable Member who brought forward the Charges, had consulted cooler heads than his own, but what should he (Mr. T.) say of his Royal Highness when he sent such a letter as that to the House? Why, that his Royal Highness had not consulted cooler heads, but weaker heads than his own. (*Hear! hear!*) He really believed, that the Duke of York would never have put his name to that paper, had he been consulted. He had lent his name to mean and base purposes! He could not understand why the Duke of York did not write the letter when the charges were first brought forward. Some doubts had been entertained as to the proceedings of the House being judicial. His Royal Highness certainly had a right to be heard; and with respect to the assertion in the letter, "upon the honour of a Prince!" if he said upon the honour of a Prince, it may be understood, in fact it was, a sort of a flourish, which he believed the Secretary for Foreign Affairs knew who wrote. It was unworthy of the Duke of York. He regretted that he should be decoyed into expressing such sentiments as he had done in that letter. It was in fact written for the sole purpose of keeping Ministers in office! The regret expressed was evidently the handywork of a Special Pleader! The House could do nothing upon the result of the evidence, but either acquit or impeach the Duke of York as a public officer. (*Hear! hear!*) There were times when it would be madness to impeach, but though in the present instance impeachment was out of the question, was it not necessary to do something else? He knew that the powers of the House had been called violent and inquisitorial powers! but he would ask where were the rights of the people so safe as with their Representatives? (*Hear! hear!*) The House were not bound by any strict rules, and he would propose to put into the Address what not only would satisfy the King of his Son's honour, but would also satisfy the public. And by the Resolution, it was of important consequence to the public, that his Royal Highness should not be retained as a public officer, unless his conduct was proved to be beyond the reach of doubt. He could not, therefore, vote for the second Resolution. He could not say therein what was passing in his mind—it was unpleasant on this occasion that he could not agree to the second Resolution, without there was a distinct pledge that the House should come to an opinion upon the whole of the proceedings. He agreed most cordially with those who described the merits of the Duke in military matters. With respect to a precedent on the subject of his Royal Highness's removal, there had been one in the case of the Duke of Marlborough, who was charged by the Commissioners of Public Accounts with having converted to his own use the sum of 63,000l. from contracts for supplying bread to the army on the continent. The House had determined to take the matter into consideration, and the Duke resigned. Her Majesty in Council, however, determined that he should resume his appointments. The enemies of the Duke of Marlborough interfered; and, on the present occasion, if the enemies of the Duke of York had been quiet, his Royal Highness, perhaps might have resigned, and no possible imputation would have rested on his character! The Right Honourable Gentleman, he recollected, upon the production of the letter, had made use of some great words in allusion to those Gentlemen objecting to the letter; he had said, "Why, you won't hear the Duke of York—you wish to condemn him unheard." He now, however, wished to withdraw the Resolution, which had the effect of allowing a hearing to the Royal Duke. However painful, therefore, he must come to a vote against the Right Honourable Gentleman.

Mr. BRAGGE BATHURST conceived that one of the objections to the Resolution arose out of the word "Charges," in the way in which it was used in the Address, and not in the Resolution. The public might, he thought, have formed a wrong opinion of the proceedings of this House, but he could not think that any thing which could be introduced would accelerate the public mind. There was not any occasion to withdraw the Resolution for the purpose of engrafting on it the future course of proceeding. His Right Honourable Friend had said, that it was competent for any other Gentleman to move that there was a degree of censure imputable to his Royal Highness, a degree of shame, short of corruption. With that view he wished the question withdrawn; it was necessary the House should pronounce an opinion, and he originally intimated that he should submit a proposition to that effect. But he did not agree that it was prudent to move an Address which must put the Crown to the necessity of adopting proceedings which, under such circumstances, must be painful.

Mr. BARHAM considered that those Gentlemen who had voted for the Resolution, had been obliged to do so, because they could not agree to either of the Addresses proposed. He was one of those who could not bring himself to think that degradation and eternal infamy was no punishment. He could not consent to pronounce judgment for what in the Address was ambiguous. It was sufficient for the character of the Duke of York, that the Charges were not proved. Although his Royal Highness might not be guilty of corruption and connivance, yet he might be guilty of great misconduct, so as to render him unworthy of trust. It was therefore better not to dismiss the subject without expressing an opinion. He did not approve of an address full of flattery. It was therefore an act of justice due to public opinion, that this House should express their sentiments in a manner most likely to meet the objects which all had in view. In the first place, he thought it right to state in the Address, that the House were of opinion that corrupt practices did exist. But that in lieu of the Address, proposed by the Right Honourable Gentleman, it would be more unobjectionable if it was to go forth that this House were of opinion, that his Royal Highness had not participated in the connivance. (*Hear! hear!*) That was all that could be necessary for the Duke of York, and must be satisfactory to the public. Having so done, he thought the House were bound to come to something like a Resolution to this effect, "That the House were of opinion that his Royal Highness had participated in undue influence in the sale of commissions; that such conduct was highly immoral, was injurious to the land forces, and induced great scandal to his Majesty's name." If the House were to adopt something of this kind, he was of opinion it would meet and satisfy the justice of the case.

Mr. **CARTWRIGHT** was disposed to feel, that if his Royal Highness was guilty to a certain extent, it might be necessary to pass some censure, but there was, in his opinion, a great difference between connivance and corruption.

Lord W. **RUSSELL** differed in some degree from his Right Honourable Friend—he did not think the Amendment would remove the objection—nor did he approve of the line chalked out, because it might lead to precedents, should the character of any person hereafter be involved. He particularly objected to the giving priority to character, rather than to the opinion of the House upon inquiry into abuses which had been proved to exist, and in which the Commander in Chief must be taken as an accessary to the commission of. He wished that recurrence had been had to the old Parliamentary practice, which was, that before a vote was come to upon guilt or innocence, the abuses were corrected. (*Hear! hear!*) He much regretted that it was but too evident they existed, and that the country was, in consequence, smarting under their weight.

Sir **JAMES HALL** expressed an opinion, that if the Right Honourable Gentleman was to state in his Resolution that there was not sufficient grounds of guilt, the House could more readily accede to his proposition.

Mr. C. **ADAMS** was disposed to feel great regret that he should be compelled, from all he had heard, and he had attended particularly to the evidence, to vote against his Royal Highness.

Mr. **LOCKHART** declared, that he had not so bestowed his attention to the proceedings but that he was prepared to make up his mind, and he must say, that the evidence did not warrant the charge of corruption, of participation of corruption, nor of connivance. At the same time, the House would not do its duty, if, after having disposed of that question, they did not take into their consideration the other question of the conduct of his Royal Highness. There were two parties before the House, the Duke of York and the Country, and justice must be rendered to both.

Sir W. **CURTIS**, as an honest man, intended to vote upon the question. He had considered the case fully and fairly, and was of opinion, that the Duke of York was not guilty of any corrupt practices whatever. There were documents on the table which shewed that to be the fact, and he therefore thought it to be his duty to support the proposition of his Right Honourable Friend.

Sir M. **WOOD** was of a similar opinion. The Honourable Baronet commented on the evidence, and pointed out the parts of it which led him to the conclusion, that guilt was not imputable to his Royal Highness.

Mr. M. **FITZGERALD**, from the importance of the question before the House, should not feel satisfied with himself if he gave a silent vote on the occasion. No Honourable Member of that House could stand clearer of any connection with the Royal Family than himself, yet no person would more keenly feel for the degradation of any part of that family than he should; yet there was a duty which he owed to the public, and that duty obliged him to say, that the Royal Duke did not appear to stand by any means clear of the charge of connivance, if not of corruption. His Right Honourable Friend (Mr. Tierney) had said that if the charge of corruption could be brought home to the Duke of York, a Bill of Exclusion must follow; he perfectly agreed with his Right Honourable Friend on that head; but he differed from him respecting an Address to his Majesty; he thought this House should not call in the aid of his Majesty to do that which the Constitution gave them a power of doing without that aid. The House ought to come to a distinct and conclusive vote on the evidence before them, without involving his Majesty, whose parental feeling deserved every consideration which it was in the power of that House to pay to a beloved Sovereign. He should have preferred an Address to Resolutions, and could not but deeply lament the extended scope to which the proceeding had gone, and the mode of examination which had been adopted and encouraged by his Majesty's Ministers; by which mode of proceeding many expressions had gone abroad quite irrelevant to the subject, which had tended to irritate the public mind against his Royal Highness, to a very great degree. The Honourable Member concluded by stating, that a mature consideration of the great mass of evidence which had been laid before the House, had produced in his mind a conviction that his Royal Highness had been guilty of connivance at the abuses which had so long existed in the department over which he presided.

General FERGUSON observed, it gave him great satisfaction to pay his humble tribute of applause to the Commander in Chief, for the benefits which the Army had received from the judicious regulations adopted by his Royal Highness. It was with the most heartfelt regret he was obliged to give a vote of censure on his conduct on the present occasion. He should think himself unworthy a seat in that House, if he neglected to give such a vote, as, upon a careful examination of the evidence, he was convinced that the Duke of York had been extremely culpable. Suspicion had taken deep root in the minds of the people, and till the cloud which at present shaded the character of the Royal Duke was dispelled, he certainly was not a fit person, whatever might be said by Gentlemen on the other side of the House, to hold the situation of Commander in Chief of the Army, either with honour to himself, or benefit to his country.

Lord H. PETTY paid a tribute of applause to the fair and manly manifestation of his opinion by the gallant General. It was the general opinion of the House that the Right Honourable Gentleman's Motion was unnecessary, if not objectionable: and the only difference was, whether it should be negatived or withdrawn. He objected to it, as being a foundation for limiting and confining their future views of the subject, and trusted, that the House in official characters would recognize nothing but the official character, without looking beyond that to find the son of a King, or any other person. He did not object to the motion being withdrawn, but would rather wish it to be negatived.

Mr. CRIPPS justified the Duke of York and Colonel Gordon from some imputation that had been thown out on a former night, relative to keeping back a letter.

An Honourable Member, under the gallery, whose name we could not learn, but who was afterwards alluded to as "a gallant General," spoke highly in favour of the Duke of York in his official capacity. He declared, that if he was removed from the Chief Command, the most friendless and unpatronised portion of the British Officers would lose the man who stood between them and the effects of Parliamentary and political influence. To such men, as well as to the army in general, his loss would be irremediable.

The CHANCELLOR of the EXCHEQUER hoped the House would not think him pertinacious in wishing to withdraw his motion, rather than to have it negatived. His reason was this, that when he first made the proposition, it was misunderstood, and he had endeavoured to explain and take away the obnoxious part the moment he was aware of the circumstance. It was therefore to prevent misrepresentation that he was anxious to withdraw his motion altogether; but if the Noble Lord (H. Petty), or the House wished to negative it, he would submit to that, only previously amending it, so as to leave no room for misinterpretation.

Amid a general cry of *withdraw, withdraw*! the Speaker put the question, and the first resolution was withdrawn.

The CHANCELLOR of the EXCHEQUER said, he had now to propose his second Resolution, which went to establish the guilt or innocence of the Duke. As the subject had been so much discussed, he would only offer a few observations on what had been said, connected with the mode adopted in the present instance. He had adopted the suggestion of an Honourable Gentleman on the floor (Mr. Bathurst) in order to convey his sense, that his Royal Highness was not guilty of corruption, or of connivance at corruption, in the most clear manner. The Resolution he had to submit, would therefore be,

"That it is the opinion of this House, after the fullest and most attentive investigation of the evidence reported by the Committee of the whole House, appointed to inquire into the conduct of his Royal Highness the Duke of

York, there is no ground for charging him, in the execution of his office of Commander in Chief, with personal corruption, as alleged in the said evidence, or any connivance in the corrupt and infamous practises therein exposed."

His meaning was distinctly this, that there was no ground for carrying forward such charges against his Royal Highness, as they were not founded in fact. An Honourable Gentleman (Mr. Tierney) had said, he could not agree with him, because something unpleasant against the Duke of York remained on his mind. Surely the present Resolution did not preclude any subsequent expression of that feeling; and he could not think, that as a Resolution, this expression of opinion was liable to any objection to which it would not have been equally liable in the form of an Address. He contended that it would have been unfair not to have come to a distinct decision; and that unanimity, purchased at the expence of ambiguity, would be purchased with disgrace. There could be no innocent connivance on the part of his Royal Highness in this case. Negligence of suspicion was impossible to be urged in extenuation; for if they decided, that he suspected, and afterwards granted the requests of Mrs. Clarke, they must go further, and pronounce him guilty. But this was no more proved in evidence than a direct knowledge. He had now to say a few words on the effect of this Resolution, as terminating or not terminating their proceedings. His original intention was, after this Resolution to have moved an Address. That Address would be open to amendment, and might be framed either as a grave censure, or for the removal of the Commander in Chief. He had from the first declared, that they ought not to stop here, but that it was incumbent on them to do something more on the serious matters that had been disclosed. It had been said that an Address would be better than this Resolution, but he was of opinion that the decision of corruption, or connivance, was better put in a Resolution, because if carried in the affirmative it would serve as a ground on which the House could go to trial, and ulterior criminal proceedings. The other matter might be fitting for an Address, as either for the removal of the Duke of York, or a vote of censure on their Journals, that was sufficient. The Honourable Gentleman (Mr. Tierney) had rightly understood his object, which was, to declare that no crime had been committed which ought to deprive the country of the services of a person who, it was generally allowed, had for 16 years performed the important duties of his station with more credit than almost any other individual could have done. The gallant General over the way (Ferguson), and the gallant General under the gallery, had, though of different opinions upon the question, equally joined in bestowing the unqualified commendation earned by the Royal Duke, and he thought it worthy of mature consideration, whether at a time like the present, when so much depended upon the army, it would be desirable to remove so able and diligent a head from its management. He was astonished at the Honourable Gentleman's (Mr. Tierney's) expressing such an opinion, after he had acknowledged that there was no corruption— that he was not to be influenced by an unenlightened popular clamour—and that moral conduct was no sufficient ground for condemnation. He could not then conceive what induced the Honourable Gentleman to think his Royal Highness ought to be dismissed at all. The Right Honourable Gentleman then concluded by restating the leading points in his foregoing observations.

Mr. LYTTLETON was sorry to be thus called on to deliver an express opinion, though he made no doubt the Right Honourable Gentleman had good reasons for thinking himself right in enforcing such a distinct decision. He contended, that it was not incumbent on the House to come to such a determination by the constitutional laws---but to give their opinions, without pronouncing judgment, as in common Courts. In support of that opinion, he cited the records of the beginning of the reign of Charles the First. The Address by the Honourable Gentleman who brought forward the Charges he considered as the most complete. He agreed with an Honourable Member who had spoken of the general interest excited by the recent proceedings of the House, that the characters of Princes are in some measure regarded as the character of the nation over which they are placed, their glory is reflected on the realms they govern, and their infamy in like manner descends to their subjects. The House he trusted would do him the justice to believe he was actuated by no unworthy motive, when he stated, that his opinion of the charges brought forward against the Duke of York had been substantiated; if not according to the rules of legal evidence, in a manner satisfactory to the understanding of every Gentleman who considered the evidence which had been adduced. The mass of evidence before them was the best that could possibly be obtained in such a case; it was so corroborated by circumstances and facts, and so clearly traced by documents under the hand and seal of the person accused (which in fact amounted almost to a confession of guilt), that he was at a loss to conceive how any doubt could exist. Whatever might be alleged against the character of the witnesses examined, when it was considered that many of them were ruining themselves by stating what they did, there was but little reason to doubt the truth of their assertions. The evidence brought forward to prove that his Royal Highness had, in some instances, improved the army, he thought wholly irrelevant and nugatory, as it did not prove that the Commander in Chief was not a party in the corruption, which, it was admitted, had gained footing in the army. If any thing could add to the conviction he felt of the guilt of his Royal Highness from a review of the evidence, it would be the conduct of his professed advocates, who not only opposed the charges being brought forward, but endeavoured to pervert the meaning of the Honourable Gentleman who talked of a conspiracy against the House of Brunswick, the revival of jacobinism, &c. Were that mighty magician (Edmund Burke) alive, whose wonderful influence was so universally admitted, his most potent spells would have no effect on him, when intended to convince him, that such a spirit existed in the British nation. He could not approve of the attempts which had been made to curtail the Liberty of the Press, by complaining of its licentiousness; such a complaint came with a very bad grace from those who had it so much under their command. The Duke of York's case would have been much better, in his opinion, if his Majesty's Ministers had not appeared quite so unanimous in his defence. The Honourable Gentleman then adverted to certain papers or resolutions which had been laid before that House in 1608, setting forth that no Member of Parliament should be permitted to take a place of emolument under Government, and that all offenders should be expelled; now, though he did not wish to go to the full length of such resolutions, yet he could not but regret that they were deviated from so widely. He did not know whether he might not expose himself to unpleasant remarks, for acting the part he had; he might be reproached, but he could not think it fair in the Right Honourable Gentlemen opposite to adopt a species of warfare, in which they could not but meet upon unequal terms. The Right Honourable the Chancellor of the Exchequer seemed to say they must pronounce him innocent, or proceed to an impeachment; for his part he did not know that that followed, in the event of its being carried against him. He could not perceive the propriety of throwing out any intimations.

that infamy might probably attach to the accuser. He thought it proper that such inquiries should be made, unimpeded by any endeavours on the opposite side to intimidate the mover; and after such an investigation had taken place, after the examination of such witnesses as had appeared at the bar, after such facts had been stated (here he cited the Journals), as had been heard in that House, were, in such circumstances, the result to be an intire acquittal, he thought it might be considered as ominous of a national calamity, as likely to be productive of the most tremendous consequences. Were it possible to annihilate every trace of the evidence received, and transmit the Duke's name unsullied to posterity, in that case he should feel tempted to vote against his conscience; but, as that was impossible, as it was not in their power to rescue his character from the obloquy cast upon it, he thought it incumbent on the House to act up to their own, and give such a verdict as would satisfy the country that they were worthy of the confidence reposed in them. If they neglected to do this, what hope could their constituents hereafter entertain? They would give up whatever might be brought before them as a lost hope, and cease to regard the House of Commons as affording them any security against the innovations of corruption. He hoped that they would prove, by their decision, that they knew of no distinction of persons.

Sir T. Turton spoke at some length, on the discontent which, in his opinion, a verdict of acquittal must excite throughout the country. It was with the utmost reluctance that he spoke one word against the son of his Sovereign; to act as he was about to do, was to him a task the most painful, but a sense of his duty notwithstanding impelled him forward; a sentiment paramount to every other feeling forced him solemnly to declare, that before God he really believed his Royal Highness could not be ignorant of the corruptions and abuses which had been proved to exist. Those who knew him, knew how reluctant he was to speak thus, though they could not conceive the pain he felt in the discharge of his duty; but distressing as it was,

"Fiat justitia, ruat cœlum."

yet he envied those Gentlemen who could lay their hands upon their hearts, who could face their constituents, and who, in that awful moment when all sublunary prospects fade from the eye of expiring mortality, could enjoy that serene composure which results from the consciousness of having endeavoured, to the best of our ideas, to discharge the duties imposed upon us after voting for the entire acquittal of his Royal Highness. Those who had defended the Duke, had spoken as if Gentlemen were unacquainted with the most common expressions in the English language. The word connivance had received in that House several very novel definitions; for his part, he could only understand the word connivance, as implying a knowledge of the corruption without any endeavours to terminate it; and understanding the word as he did, he could not but believe his Royal Highness guilty of connivance; he, therefore, moved as an Amendment on the amendment of the original address: That all the words after "afforded," in the Resolution of the Chancellor of the Exchequer, should be left out, and the following words inserted in their room—"grounds for charging his Royal Highness the Duke of York with having knowledge of the corruption which has been disclosed by the evidence."

Mr. HAWKINS BROWNE spoke, but from the noise which prevailed in the House, could not be distinctly heard.

Mr. HERBERT rose, amidst loud calls for the question. He assured the House he would not detain them long; he did not see one thing to substantiate the charge of corruption; from the bottom of his heart he assured them in the most solemn manner, that he did not believe his Royal Highness guilty of corruption. Here the Hon. Gentleman was interrupted by loud and reiterated cries of "*Question, Question*;" which continuing with little intermission till the close of his speech, rendered it impossible to give his concluding words with precision.

Mr. BRAND would not detain the House, under the present circumstances, but he wished concisely to state the reasons which influenced him in giving his vote. They were now come to the important point—Guilty, or not Guilty—aye, or no. He lamented the necessity they were under of voting in the manner they were compelled to do, but felt it his duty to express his sentiments on the merits of the case. From great authorities, he considered the evidence before them entitled to a much greater degree of credit than Gentlemen seemed inclined to allow. In cases of life and death the evidence of an accomplice was admitted, the person who turned King's evidence was induced to do so by the prospect of saving his own life; and could any one believe, that anger in a woman like Mrs. Clarke would have as great an effect on her testimony as anxiety to preserve his existence must be supposed to have on the man who turns King's evidence. He would not bring forward any particular cases, but it was in his power to adduce instances where the Honourable Gentleman opposite (Mr. Perceval) had particularly enforced the propriety of resorting to King's evidence. One objection raised against the evidence of Miss Taylor was, that it was a mere evidence of words. It had been ably argued, that such an evidence ought not to have been received: the observations made would have been well applied where the witness was a principal; but they were out of their place when made on one only corroborative. In the case of Holloway and Haggerty, who were executed for the murder of Mr. Steele, the only evidence, which was not merely evidence of words, was that of an accomplice, one who had participated in the murder. A Bow-street Officer deposed, that he had been stationed near the place of their confinement, previous to their being brought to trial, he heard them say, that they had " drank the gin" at a certain time and place, subsequent to the commission of the murder. It was represented, that it was of considerable importance to know whether they spoke of " the gin," or of " gin" in a general sense, as having drank some at a certain place, at an indefinite period; as in one instance it was proved it might relate to the commission of the murder—in the other its connection was done away. On this head the officer was closely examined; he stated that, situated as he was, he could not distinctly hear, but he thought they said " the gin;" and on this evidence two men were executed. He then spoke of the importance of the public voice, and expressed his regret that the Amendment had been moved (which, however, he was bound to support); as, had it not been moved, he could have given the other a negative with greater pleasure. He rather wished the Honourable Baronet would withdraw it. The Honourable Gentleman concluded, expressing his gratitude for the patient attention with which he had been heard.

Mr. SUTTON did not approve of the Honourable Gentleman's idea of passing a general ambiguous censure on the Duke, as the uninformed would apply the censure where it ought not to be applied; he would wish the House to consult its dignity, and not hastily blast a character by such a procedure. It had been said in the course of the discussion, such evidence as is insisted on in a Court of Justice was not to be required there; whatever difference there might be, in some respects, he conceived the evidence of an accomplice there, as in a Court of Justice, should be received with caution; and when a witness, in the course of various examinations, gave contradictory statements, he thought that person's testimony should be doubted.

Mr. DICKENSON said a few words, as well as we could collect, in support of the Honourable Baronet's Amendment; but a loud call for the question prevented us from hearing distinctly.

Mr. FULLER said, he would not trespass a moment on the time of the House, if he did not think it his duty. It had been said that nothing had been done to inflame the minds of the country; he denied it; he knew they were inflamed, and he felt it his duty to the House to tell them, while he was able, that he had been used with severity; he had received a number of anonymous letters, calling him a black-hearted fellow, and this thing, that thing, and t'other thing. (*Loud laughing.*) He spoke this to the Gentlemen opposite, who excited the populace to clamour—there was nothing worse; it was very bad. Once, when he spoke his sentiments upon this business, he thought one of them would have knocked him down. (*Laughing.*) Those Gentlemen, when they found popular clamour was against the Duke of York, then they took part against him, and began talking about corruption. Every shabby fellow would talk about corruption. (*Laughing.*) He would never give his vote to criminate the Duke of York upon suspicion, which would make him run away as if he had a harpoon stuck in him. (*Loud laughing.*) They had talked about a threat of dissolution —why, it was not the dissolution at the last day; if there was a dissolution of Parliament, he did not fear but his constituents would again elect him. He thought the House ought to take notice of the insults he had received—if such insults were thrown out to Members of Parliament, it should be made a misdemeanour; and those who did not like England, d-mn 'em, ought to leave it. (*Loud laugh-*

ing.) The Hon. Member said, he had to apologise for the last phrase he had used, but it was a public toast, and was so full in his mind, he could not help using it. (*More laughing.*)

Lord MORPETH said, that after the fullest investigation he could give the subject, he was inclined to acquit the Duke of York of the charge of personal corruption; but, at the same time, he would not go to the length of acquitting him of connivance. The principal witness at the Bar, he allowed, contradicted herself in many parts of her evidence, but in others she had told the truth; however, he had such objection to the Honourable Baronet's Amendment, he would give it his decided negative.

Mr. TRACEY said, he sincerely lamented that any representations should have gone abroad, especially that which represented the accusation not as directed against the Commander in Chief only, but as being a branch of a conspiracy existing against the reigning Family. He would say, that, so far from being liable to such an imputation, the Honourable Gentleman who had brought forward the charges, was entitled to the thanks and gratitude of the country. After the letters from General Clavering, after the note of Captain Sandon, there could be no doubt but that Mrs. Clarke had interfered in military promotions, and he thought it could not have escaped his Royal Highness's observation, that the applications made were for persons not connected with herself; from which the conclusion was easy—that she did not exert her influence gratuitously. It had been said, that His Royal Highness was indifferent and careless in pecuniary matters. But he asked, whether, when they looked to the allowance of Mrs. Clarke, they could entertain such an opinion of him? When he considered the cases of Kennett, Dowler, &c. he could not put his hand upon his heart, and say, that the Duke of York was not guilty either of knowledge or connivance.

Mr. Bankes assured the House, that he would not trespass long upon its attention; he should have abstained from taking any part in the debate, after having observed the disinclination of the House to attend, if it had not been for the amendment proposed by the Hon. Baronet, in which he could not concur; that Amendment proposing a direct negative to the motion of the Right Hon. Gent. who had left them in a situation in which it was difficult to know how to vote for it. *(A laugh).* In his opinion, the better course would be first to negative the Resolution directly, and afterwards to submit one more consonant with the opinions that were known to prevail. The worthy Baronet had put the House in a disagreeable situation, for if they rejected the Amendment, they would then be under a necessity of voting for the original motion. Knowledge implied corruption and connivance. The worthy Baronet had declared that the business could not be carried farther, that there were no grounds for a criminal judicial inquiry; but according to his (Mr. Bankes's) idea, there might be ground for some farther proceeding of the House. A main objection which he had to the proposition of the worthy Baronet was, that it was ambiguous and inconclusive; it was a complex proposition, in one part of which he agreed, while he differed from the other. He was ready to acquit his Royal Highness of corruption, but of connivance he could not acquit him; he did intend to have proposed a resolution, describing that sort of connivance with which he charged him of being guilty. Any man, he thought, could see a distinction between participation and connivance. It had been said, that any sort of connivance was equally guilty in degree with personal corruption; but there were dangerous consequences to society, from confounding the gradations of vice. He did not think it a light thing to be visited with the censure of that House; but he thought they would all do well to consider, whether, by adopting large and comprehensive words, they were not sapping the foundation upon which they stood. With respect to the reprobation of the immorality of His Royal Highness's conduct, he was not inclined to enter into any censure of it, unless when it was combined with political mischief to the state. He did not think that they should take upon them the duty of censors, unless under such circumstances. He concluded with declaring that he should vote against the amendment of the worthy Baronet.

Sir THOMAS TURTON said, that as not one word had been urged against the motion which he proposed, and as the reasons advanced in objection were chiefly against the complex proposition of the Right Honourable Gentleman opposite, he thought himself justified in persevering in his Amendment.

Mr. HIBBERT was proceeding to speak, when loud cries of "*question! question!*" obliged him to sit down.

Lord HENRY PETTY then rose, and said, that the palpable indisposition of the House to perform its duty, obliged him to propose the question of adjournment.

The SPEAKER having put the question,

The CHANCELLOR of the EXCHEQUER said, that he hoped the House would not concur in the motion proposed by the Noble Lord; fatigue might have induced them to adopt a conduct certainly not becoming, and might in some degree excuse it. (*No, no!*) He entreated most earnestly that they would not give the country reason to suppose, that they had relaxed at the close of the proceeding, and were willing to terminate in confusion, what they had begun with zeal; the question before them was then drawing near a close. The important inquiry in which they had been so long and so laboriously employed was then coming to a conclusion; and if the House persisted in the inclination to interrupt discussion, they would not be likely to come out of the business with the credit they should emulate. He was sure that the Noble Lord would withdraw his motion, if he observed in the House a disposition to permit the debate, which disposition, he was persuaded, would evince itself when they reflected more maturely. The Noble Lord, he was persuaded, would not put them to the necessity of negativing his motion; he, therefore, would suggest that it should be withdrawn.

Lord HENRY PETTY declared, that the Right Hon. Gentleman had rightly judged, when he believed that he (Lord H. P.) would be willing to withdraw his motion, in case the House should be willing to hear the sentiments of its members. His motive in proposing it was, to prevent the bad consequences of disorder at such a time, and when that disorder had subsided, the measure intended to prevent it should be dropt by him; he would, therefore, with the leave of the House, withdraw his motion, that the debate might proceed.

The motion was accordingly withdrawn.

Mr. HIBBERT said, that it appeared to be the Chancellor of the Exchequer's idea, and the meaning deducible from his Resolution, that the Duke of York should be continued in office, though the House should resolve that he was not guilty of the charges. Though they should acquit him of corruption or of connivance, still they would not be justified in coming to a vote for his continuance in office, after the evidence they had heard. He hoped the Honourable Baronet would withdraw his Amendment, that they might have an opportunity of putting a direct negative on the resolution of the Chancellor of the Exchequer.

Mr. ELLISON felt the important duty which was cast upon him, as a senator, upon this most awful occasion. He had bestowed all the attention he was able to command on the evidence which had been given at the Bar of the House upon this subject. He had attended also, as well as he was able, to all the arguments which had been urged on either side of it; the result of the whole was, that, in his mind, his Royal Highness the Duke of York was indeed guilty—guilty of connivance in the shameful traffic of Mrs. Clarke in military promotions. Much had been said about clamour out of doors on this subject, supposed to have been raised for the purpose of deterring Members of the House of Commons from giving their opinion freely on the great question now before them. He thought there was no foundation for that complaint, for he had no doubt that every member of that House would do his duty in it independent of any other consideration than that of the performance of that duty; and here he must invoke the integrity of each individual member whom he now had the honour of addressing through the medium of the Chair. Let every man who heard him, lay his hand upon his heart, and say, if he could say, after he had read the evidence given in this case, that the Duke of York was not guilty of connivance at the mal-practices of Mrs. Clarke in military and other promotions, which she procured, and also tried to procure, through the medium of the influence which she had with the Commander in Chief? He was ready to admit that the evidence of Mrs. Clarke was in itself somewhat suspicious, but supported by other testimony, and connected with circumstances, it must bring conviction to the minds of all who heard it, and that the more remarkably, as her evidence was corroborated by little facts and minute circumstances, travelling up step by step until the whole of the mass of her evidence was entirely confirmed. He had no hesitation in saying that there was no court of justice in the kingdom, where there was a proclamation made of any gaol delivery, in which the evidence given by Mrs. Clarke at the Bar of that House, corroborated as it was by documents and the testimony of others, would not be received, and would be conclusive even in matter of life and death; and this he said with perfect confidence, notwithstanding the opinion given by a learned judge (Mr. B.) early in the discussion of this subject, for whom no man in the kingdom had more respect than himself; but he must be allowed to judge from facts, and he did not hesitate to declare, that unless the House of Commons pronounced the Duke of York guilty of connivance at least, it would be a mockery of their proceedings. He felt himself bound to say this, and that the House would not avoid to say the same thing by its vote, unless they had a mind to be ridiculous in the face of the world. He felt no difficulty in considering himself as competent to judge of this question, as those who affected superior sagacity to his, for he had a good deal of experience in the investigation of evidence —had the honour to be chairman at a Quarter Session, and he must say, that the evidence given in this case against the Duke of York was as satisfactory as any he ever heard in any court of justice in his life. It was his duty to consider this subject, and he did consider it with the same solemnity as if he were a juror upon his oath, totally divested of all party whatever. As to the argument, that if the Duke of York was convicted upon this occasion, the House would be setting a dangerous example for pulling down great men, he must answer, that as a member of the Parliament of the British Empire, he knew nothing of great men, or of little men, he must do his duty to the people by declaring what in his conscience he believed to be true, without any regard to what the effect might be on any great man or men. He was not to be deterred from doing his duty from general observations that he was disgracing the House of Brunswick. He was ready to shed the last drop of his blood in support of the House of Brunswick in a good cause, but he must not be terrified by names. He was determined to support the throne of this realm, and he knew of no better way of supporting the throne than by censuring those whose misconduct abused the confidence put in them by that throne. Nor was he to be told that the people wished to pull down princes, because they were princes, but the people wished to make princes behave as princes ought to behave; and in that the people were right, and their demands, as to the Duke of York, were just. He must say that, taking the whole of the proceedings of the House of Commons upon this subject, there was a perfect conviction in his mind, that the Duke of York was privy to what was passing with Mrs. Clarke on the subject of military and other promotions, in which she used her influence with his Royal Highness, and that not in one instance or two, but that he was privy to the whole of it. The words of the Resolution of the Chancellor of the Exchequer, that after examining the evidence, there was no ground for the House to charge his Royal Highness with personal corruption or any other connivance, he could by no means assent to, because he felt it was false; and as a public character he must say, that he thought the Duke of York ought to be dismissed from the office of Commander in Chief.

The CHANCELLOR of the EXCHEQUER observed, that he had altered the Resolution now before the House, for the purpose of meeting the ideas of some of his Honourable Friends, which were to avoid any words which might tend to cast any reflection on the Honourable Gentleman who originally instituted this inquiry; but after the present resolution should be carried, if carried, there was nothing to hinder the House to come to any Resolution declarative of its disapprobation of the influence of Mrs. Clarke with the Commander in Chief.

Mr. HOME SUMNER thought the Amendment proceeded to a length to which he could not follow it. He wished the two points of personal corruption, and connivance to be separated from each other, that the opinion of the House might be taken distinctly on both.

Mr. WILBERFORCE complained, that by this mode of proceeding, that of blending personal corruption with connivance, two things were united which were in their nature distinct; they were blended unfairly, and the Amendment of the Honourable Baronet added perplexity to the question, because it became a question, whether the motion should be adopted or negatived, and there was no medium; the consequence was, that those who thought that the Duke of York had not been guilty of any personal corruption must negative this resolution, although they might be satisfied that he was guilty of connivance.—(Here there was a great cry of *Question! question! question!*)

Lord HENRY PETTY felt himself under the necessity of explaining the grounds on which he should vote against both the Resolution and the Amendment now before the House. The House wished all these proceedings should end in the acquittal of the Duke of York, because he was perfectly convinced that of the family now upon the throne of this kingdom, there was but one feeling, for it was a family connected with every feeling and every hope that was encouraged by the people; but he must dissent from the principle laid down by the Chancellor of the Exchequer, which was that of blending two things which were essentially distinct—personal corruption, and connivance in his Royal Highness the Duke of York. He observed also, that there was an error very prevalent in the House upon this subject, which was that the House should consider itself as a jury, to pronounce a verdict of guilty or not guilty; whereas, there was no such duty imposed on the members of that House—their duty was only to say, as members of Parliament, what was fit to be done: It was no part of the privilege nor of the duty of the House of Commons, to punish any individual for any misdemeanour, but to take care of the public safety, and if that safety required the punishment of an individual, punished the individual must be: but then that was not done by the House of Commons, only the House put the matter in train for the ultimate punishment of that individual. He admitted there was about the evidence given at the bar in this case a considerable looseness, yet loose though it was, there did appear to him to be sufficient to support the charges exhibited against the Duke of York on the subject of connivance, for the evidence had all been supported in every instance in which it was capable of being supported, and that by documents which were in their nature conclusive; and this he was compelled to say, notwithstanding the most able and ingenious defence which had been set up by the Chancellor of the Exchequer on behalf of his Royal Highness. He did confess that the cases of General Clavering and of Captain Tonyn were conclusive evidence with him of the truth of the charge, that the Duke of York had connived at the practices of Mrs. Clarke, in regard to promotions.

The CHANCELLOR of the EXCHEQUER defended the whole of the Resolution as it stood, and maintained that there was no other way of putting it consistently with his object. As to the verdict which had been stated by the Noble Lord, the House was certainly called upon to form a judgment of, whether his Royal Highness was guilty or not guilty, not only of personal corruption, but of connivance: and the Resolution did not say that his Royal

Highness was not guilty, but that it did not appear in evidence that he was guilty. No verdict of acquittal ever did or could go further. It never was intended that a verdict should state things as they actually stood in *rerum natura*, but as they appeared in evidence; and if guilt did not appear in evidence, then it must always be taken not to exist; for *de non apparentibus sit non existentibus eadem est ratio*, was the solid maxim of law. And as to the distinction which was made between personal corruption, and connivance at corruption, he had no hesitation in declaring, that it would not answer his purpose if he should not be able to persuade the House, that his Royal Highness was as free from connivance as he was from personal corruption, for the one of them was in his mind as bad as the other; nay, the connivance, if it were made out, would be worse than the actual corruption, because there would be despicable meanness and hypocrisy in it, which would not be in the other.

Mr. WHITBREAD.—It is not my intention, Sir, at this late hour, and in the present exhausted state of the House, to consume much time in the delivery of the sentiments, which I feel myself imperiously called upon to state, in consequence of what has fallen from the Right Honourable Gentleman who spoke last. He has advanced certain positions, and made use of certain expressions in defence of the proceedings suggested by him, which render my silence impossible. Sir, I put it to the Right Honourable Gentleman to say, whether in candour, he has adopted that mode of proceeding, which we had a right to expect. He set out, Sir, by charging us with "shirking" the question—with having proposed an Address that was not couched in terms sufficiently decisive.—To this imputation, so very satisfactory an answer has been given, that it does not require any further notice. But, Sir, the Right Honourable Gentleman has so constructed his Resolution, that it really has the appearance of "going about to catch votes"—which, however, he does not seem to think very blameable—and he has fortunately stumbled on the expedient of involving two questions in a manner that, to him, appears to render it impossible that they should be considered separately—and the House is, upon this principle reduced to the necessity of an absolute condemnation or acquittal. "The distinction," says the Right Honourable Gentleman, "which has been so accurately defined between personal corruption, and what is termed connivance, I cannot comprehend, notwithstanding the references which have been made to the celebrated work of our great lexicographer, with a view to illustrate that argument; and so far from thinking connivance as greatly inferior to personal corruption, I solemnly declare, that I conceive such a connivance more mean—more foul—and more base, than a conviction of direct and personal corruption;—and, if the Duke, being acquitted of all personal corruption, should be convicted of connivance only, all those consequences which have been anticipated in the event of his being convicted of personal corruption, would inevitably ensue." This is the argument of the Right Honourable Gentleman, from which I beg leave totally to differ. If, Sir, the Duke should be found guilty of connivance only—surely it might with great truth and propriety be said, you are not so mean—so foul—so base—or so low, as if you had been convicted of personal corruption. Your character is certainly not irretrievable—you may by the correctness of your future conduct obliterate what is past. The Right Honourable Gentleman has really put us into a very unfair predicament—he calls upon us for fairness, and tells us, that after voting for his proposition, we may then come to an Address on the undue influence that has been exercised through the medium of the Commander in Chief.—Is not this one of the steps by which he means to arrive at that point, towards which his opinions and measures tend—a declaration by this House, that the Duke of York is a fit person to continue in the command of the army?—This opinion, Sir, I cannot but deem extremely dangerous, and fraught with mischief. Here I cannot avoid noticing the new ground which has been taken, by converting Mrs. Clarke into the accuser.——Would you, says the Right Honourable Gentleman, yield up yourselves as the instruments of Mrs. Clarke, the accuser—whose object is to lay the Duke prostrate at your feet? Would you, by such conduct, vilify the House of Commons?—Mrs. Clarke, Sir, was a witness only the last night of this discussion—and my Honourable Friend, if he will so permit me to call him, who brought forward this important question, was an " instrument in the hands of an abandoned junta."—I beg, Sir, we may consider the tendency of the insinuations which have been thrown out against that Honourable Member. Can we say that the public accuser must " sift his inward soul." Sir, in a popular government like ours, it is the " direct interest of the community that a public accuser should be especially cherished"—unless individuals are encouraged and supported by the public voice, where shall we find that man who will have the courage to attack the " corrupt offences of the great?" If the man who renders so important a service to the public is branded with the contemptuous epithet of an instrument in the hands of an abandoned junta, where shall we find one who will undertake to drag forth the perpetrators of these foul offences to the view of the public?—Let me ask the Right Honourable Gentleman, whether the accuser of the Duke of York was " even acquainted with Mrs. Clarke" until long after he had meditated the bringing forward these charges? " Does he disbelieve the Noble Lord (*Folkstone*), who, in his place made that declaration?"—Of whom did that Junta consist?—Of persons divided from each other—without any bond or motive of union—of persons who, by the indefatigable zeal and perseverance of my Honourable Friend, were converted into instruments of public safety—from whom that great, important, and beneficial effect will be produced, that nothing but the manner in which the defenders of his Royal Highness are endeavouring to interrupt and frustrate the proceedings of this House, can possibly defeat.—A Right Hon. Gentleman has told us in one of the magnanimous threats which he is in the occasional habit of fulminating—that so far from attributing those beneficial effects which I anticipate from the institution of these charges—he conceives them to be of a tendency so diametrically opposite, that should a vote of thanks be moved to my Honourable Friend—he will oppose it to the last moment, although he should stand single in that opposition, of which, however, he had not the smallest apprehension. Another Right Honourable Gentleman and friend of mine on this side of the House (Mr. Windham), remarked very strongly on the manner in which my Honourable Friend obtained the possession of those letters which have been so highly instrumental in eliciting the truth of the charges against the Duke of York. These letters he alleges to have been obtained by force or by collusion, and I was, I confess, not a little surprized to hear from my Right Honourable Friend the very broad assertion, that under all the circumstances which had been made known to us, he should, if he were constrained to make his election between the two cases—rather be in the state of accusation in which his Royal Highness now stands, than in that of my Honourable Friend, as having forcibly possessed himself of these important documents. —[Here Mr. Windham said that his expression had been mistaken.]—Mr. Whitbread continued—Sir, I sincerely rejoice to be informed of my mistake, and do most cheerfully bow to the correction of my Right Honourable Friend. I say, Sir, I rejoice to find that my statement is erroneous, for it did seem to me to be totally inconsistent with his judgment and liberality. But, Sir, as this sentiment has, if I am not incorrect, been stated from another quarter of the House, (we think Lord Castlereagh), I will ask, whether there is not something between the extreme of violence—and that manner—and extent of force with which those letters were obtained?—And Gentlemen will at the same time recollect, that the violence of my Hon. Friend was by no means necessary to enable him to obtain those papers, which, upon a motion for that purpose, in this House, would have been put into his possession through the medium of its interposition. I need only quote the precedent of a similar motion by a late Member of this House (Mr. Paul), in consequence of which the possession of the papers required was obtained.—But, Sir, I may surely be permitted to say, that so different is my opinion from that to which I allude, that I declare I should have no objection to stand in the place of my Honourable Friend. Surely, Sir, no Gentleman can think this a charge of reprehensible conduct, who reflects on the manner in which papers and letters of high political importance have been purloined—transcribed—and replaced without the slightest suspicion. The instances in which these things are known to have happened are very numerous; but I shall only mention the remarkable case of the celebrated and illustrious Dr. Franklin, who was accused of having possessed himself of certain letters—respecting which, although he underwent repeated examinations before the Privy Council, he constantly refused to make any disclosure. It will be remembered with what obloquy he was assailed on that occasion; he was stigmatized with every degree of abuse, as a man who ought to have been driven from society. Yet, Sir, this *homo trium literarum*, as he was called, is very well known to have considered this as the most noble act of his life—and such was it considered by his grateful countrymen, who applied to him this motto—

Eripuit cœlo fulmen, sceptrumque tyrannis.

At once alluding most elegantly to his discoveries in electricity, and his noble efforts in the cause of liberty. The truth is, that the manner in which these letters were obtained from Mrs. Clarke, is absolutely immaterial, and no one, I am sure, who knows my Honourable Friend, will impute to him an impropriety of conduct on this important occasion. Mrs. Clarke certainly appeared to be a reluctant witness to a given extent; but it is equally certain, that if she had positively required the restitution of these letters, they would not have been withheld. It is said, Sir, that the Duke of York has been arraigned on false testimony; that the whole fabric of his accusation is the result of a pre-concerted conspiracy: and that his rank, station, and character, all conduce to destroy the very idea, and possibility of even connivance; but, Sir, when a man speaks to his mistress on the subject of his pecuniary distresses—consults with her on the means of relief—employs her as his agent to obtain loans as in the instances of Comrie, the drawing master, Jew King, Colonel Grant, and others; and endeavouring to obtain relief by a corrupt sale, as in the case of Kennett, can I be called upon to say, that there is no ground to suspect his Royal Highness of connivance? Sir, in my mind, there is irrefragable "positive proof of connivance;" and if called upon for my vote for acquitting him of every personal corruption, it is not in my power to give it. But, Sir, I had much rather come to a more mild proposition; when I say there is substantial proof of the charges, and that there is just ground to advise his Majesty to dismiss the Commander-in-Chief, from his high office, I have no hesitation in saying, at the same time, that there may be very strong and prudential reasons against an impeachment. The Right Hon. Gentleman has, by the manner in which he has framed his Resolutions, put the House to real difficulties, which, if he had not explained them away, might really be supposed to be thrown in the way on purpose. A great deal, Sir, has been said on the subject of morality. Now, unless the vices of princes affect the public weal; I should no more feel disposed to inquire into them, than I would into the vices of individuals: a minute inquiry of this nature would carry a phantom—a spectre, into every private family. But this violent attention to morality in this instance really has an air of hypocrisy, which, in an individual, is a horrid thing, but in a government, is most detestable. At the Quarter Sessions, which are now approaching, shall we not hear his Majesty's Proclamation against vice and immorality gabbled over, in which persons of all ranks, commanders by sea and land, are directed to the due observance and preservation of morality? Yet no steps are taken by the Government to shew that they have marked that with disapprobation which they have proclaimed throughout the kingdom. That the Commander in Chief is dear to the army, and that he may be justly so, I am not disposed to deny; but every proceeding, and every step, which has been taken by his defenders, has been marked by a total want of judgment. A Right Hon. Gentleman (Mr. Canning), in a speech, which I may justly characterize, by terming it inimitable; (a speech, replete with brilliancy and felicity of expression, talks most fluently of the letters of the Duke, as a plea and proof that he is not guilty, and then puts this ludicrous question, What will you say of a judge who will tell a jury—*this* charge is not substantiated against the accused, but there is *another* charge on which you must hang him? Now, whenever the Right Hon. Gentleman is at a loss for an *argument*, he immediately supplies himself with a *joke*; but it unfortunately happens that he is never less happy in his humour than when he attempts to be jocular. It may be said of him

> "Nunquam minus solus quam solus."

When the Duke of York is accused of corruption, we are told that he has an excellent character—that he is an excellent Commander in Chief. Sir, the Duke of Marlborough could have said, I have an excellent character—I am an excellent Commander in Chief.—The Duke of Marlborough never lost a battle—never raised a siege which he had once begun—and was the most adroit negotiator of the age in which he lived---yet, Sir, the Duke of Marlborough was instantaneously deprived of his office on the exhibition of charges against him respecting his conduct in his official capacity. Thus far, Sir, I have viewed this question in a light which is understood by the whole House, and by the whole country—but it may become necessary to go much farther than the mere removal of the Commander in Chief. Is it true, that there has been a meeting of General Officers, at which the Secretary at War was present, and at which an Address was proposed to be presented to the Commander in Chief, couched in terms of great civility and approbation!!!—(*Hear! hear! hear!*) Is it, I demand of the Secretary at War, who can correct me if I err—true---that such a meeting was held, at which it was intended to address the Duke of York to express the high opinion entertained of his services and merits? (*Hear! hear! hear!*). If there is no foundation for my question, I desire to be stopped. It is, I fear, not less true than *dangerous*. To what does this lead? In the moment of deliberation, are the Commons of England to be subject to the interference of the Officers of the Army? (*Hear! hear!*) Is the character which was given of the Duke of York in this House the ground-work of this proceeding? (*Hear! hear! hear!*) I have heard, by report, that the Address was waved, but for the present only, till the proceedings in this House are over. *(Hear! hear! hear!)* But General Officers ought to know that they owe obedience to the state, and that they have no more right to be a deliberative body, than the privates of the Army or Navy. *(Hear! hear! hear!)* Why, Sir, by and by we shall have the Military with fixed bayonets, at the door of this House. *(A violent tumult arose in every part of the House, which lasted some minutes).* The House of Commons must, on these grounds, immediately proceed to an Address. A gallant Friend of mine, who spoke so ably this night (General Ferguson) was himself a party to a very reprehensible proceeding, I mean the voting of a piece of plate to a gallant General. There is the establishment of the Fund at Lloyd's, to which, at the commencement, I was a subscriber; and a valuable sword was presented to Sir Home Popham; who was tried by a Court Martial. Sir, these things are not to be tolerated; they must no longer be suffered. And when Officers in the Army sit in judgment on the Duke of York; even at the very moment that we are deliberating on the charges that have been brought against him, it is high time that this House should set its face against all such proceedings. While the Right Honourable Gentleman is ridiculing one Gentleman, and bearding another, what are we about? We address his Majesty to dismiss the Duke of York from the office of Commander in Chief. A body of General Officers address the Duke of York in terms of regard and approbation; and thus a contention arises between the Army and the House of Commons. *(Hear! hear! hear!)* Is there a man in this House, who can be insensible to the consequences? I beg to be understood that I am now stating what I believe, and for which statement I am certain there is a foundation. If I am incorrect I request to be set right by the Secretary at War; for, on a topic so momentous, I should be particularly sorry to make an erroneous statement. *(Hear! hear! hear!)* All the compliments that have been paid to the Duke of York, from no one of which do I wish in the slightest degree to detract, are out of time; they have nothing to do with the question. The Right Hon. Gent. (Mr. C.) last night, in the abundant vigour of his imagination, thought proper to draw a comparison between an Honourable Gentleman of this House and Robespierre, who, it will be recollected, at length refined on all former tyranny, by his famous Decree of Accusation, in which the objects of his vengeance were accused of being "soupçonner d'être suspecté;" suspected of being suspicious. I, Sir, may suspect that the Duke of York must have suspected and known of the transactions with which he is charged, without classing him with a monster whose crimes can never be forgotten. Let me ask, where was the rationality of that comparison? Brilliant as was the speech of the Right Honourable Gentleman, I am quite sure that I shall have the entire feelings of this House with me when I assert, that the comparison to which I allude must, to use the mildest term, be deemed a very great blemish and deformity, in what might, in many other respects, have been esteemed a very beautiful composition. The Right Honourable Gentleman was, however, in a vein of jocularity that appeared to be irresistible; and amongst other humorous remarks, he did me the honour to thank me for my lecture on taste. Now, Sir, as in the course of what I said that evening, I cannot recollect that I ever mentioned the word "taste," it really does appear to me that the observation was misplaced. If, however, presuming on the opinion which the Right Honourable Gentleman has done me the honour to entertain of my taste, I may venture to offer a sentiment on a subject to which I really did not know the extent of my pretensions, I am very sorry to say, that the allusion of the

Right Hon. Gent. to the ancestor of a noble Lord (Folkstone) in the debate of yesterday, did manifest so total an absence of that taste on which the Right Hon. Gentleman had so recently received a lecture, that it may be said to have been completely thrown away upon him. Indeed I sincerely wish that he had restrained that observation, which I am quite sure was as little creditable to his judgment as to his taste. But the Right Honourable Gentleman is, unfortunately, too apt to indulge his oratory at the expence of every thing, and every body. I, however, could not but feel extraordinary satisfaction at the very calm, manly, and highly dignified manner in which the noble Lord answered the observations of the Right Hon. Gentleman; which I would willingly persuade myself, even the Right Honourable Gentleman, himself, cannot call to his recollection, without regret. Sir, little did I think that to ground a pointed sarcastic speech, the Secretary of George the IIId would have raked up the ashes of George the IId; from whom the ancestor of the noble Lord received his title to rank amongst the peers of this realm. The rumour to which the Right Hon. Gentleman thought fit so indecorously, in my opinion, to draw the attention of the House, was but a matter of conjecture; a mere report which was never substantiated; and has long ceased to be believed. It cannot escape remark that this is an imputation on that Royal House whose virtue and attachment to freedom have so justly endeared it to this nation. And let it not be forgotten that the same judgment which selected the ancestor of the noble Lord as a fit person to be one of the hereditary Counsellors of the Crown; also selected the immortal Chatham; whose son was the object of adoration in the eyes of the Right Honourable Gentleman; and I will only request the Right Honourable Gentleman to recollect the pitch of glory to which this kingdom was raised in the reign of George II. whose memory might well have been spared the imputation of an improper disposition of the honours which it is in the prerogative of the Crown to bestow. From the Gentlemen who have undertaken to defend the Duke of York, we have heard deep and loud complaints that the character of that illustrious personage must be destroyed for ever by the measures which have been proposed on this side of the House—That, Sir, I must beg leave positively to deny.—Had the Amendment to the Address, which was proposed by the Hon. Gentleman on the floor (Mr. B.) been permitted to pass, His Royal Highness would have been relieved entirely from the imputation of personal corruption. But if it were possible to destroy the character of the Duke of York, as has been asserted, it could only be by the absurd and injudicious proceedings of Ministers, and the unseasonable interposition of the Gentlemen of the Army. I however deny, that by coming to a vote in the affirmative of the Duke of York's connivance, his character will or can be destroyed. If he shall be found guilty of connivance, will it be said that his retreat is for ever cut off? That opinion can only be entertained by those Gentlemen who have hinted at the extravagant possibility of a Bill of Exclusion; that is certainly a suggestion wholly unworthy of consideration or even notice; besides, the possible succession of the Duke to the Crown is very remote, and contrary to the usual expectations and calculations of the probabilities of the duration of human existence. The Hon. Member for the County of Cambridge (Mr. Yorke) has expressed no inconsiderable degree of alarm and apprehension from the line of conduct that may be adopted by the people of this country. Sir, although I am well convinced that 999 persons out of a thousand have a rooted conviction that the charges against the Duke of York have been fully proved; let it be remembered that the people of England are enlightened; generally speaking well educated; and that knowledge is perhaps more generally diffused in Great Britain than in any country of which we have any knowledge; and here the ingenuous and solid observations of my Right Hon. Friend (Mr. Ponsonby) cannot but be felt by the House with great force. The people of this country, says my Right Hon. Friend, are in the frequent habit of serving on juries; and consequently are familiar with the nature of evidence; more so, indeed than Members of Parliament, who, from their rank and station, are not required to attend that duty; so that, in fact, as the whole of the evidence is in a correct state before the public, that public may be deemed to be at least as well qualified to draw a correct conclusion from that evidence as the Members of this House. But, Sir, I feel the most implicit confidence in the good sense and solid judgment of the People of England, who will most assuredly never be driven to violent measures, if that branch of the Constitution, which is assembled in this House, will faithfully and courageously, without measuring the injustice by the rank of the accused, execute their duty as the Representatives of the People. Sir, I will venture to affirm that if, by the course of nature, the succession to the Crown of England should happen to vest in the Duke of York, no such incapacity as that which has been suggested by the Gentlemen on the other side will be found to attach to his Royal Highness in taking the peaceable and acknowledged possession of the Crown. If Ministers and the friends of the Duke of York will cease to act with that want of judgment which they have hitherto so eminently displayed, there may be a reasonable hope, that in time, the Duke may regain that confidence which he certainly at the present moment does not possess. Sir, when Louis the Eleventh ascended the Throne of France, the very first measure of his reign was to announce, that the affronts which had been offered to the Duke of Orleans would never be remembered by the King of France. And I do trust and confidently hope that if, in the dispensations of Providence, the Duke of York ever be called to the Throne of these Realms, the generosity of the people of England will never suffer them to remember in the person and government of their Monarch, the faults of the Duke of York. Will those, Sir, who talk of Jacobins and mobs, when they have excited the whirlwind, undertake to direct the storm? Sir, I cannot conceive that there is the least ground for apprehensions of this nature, if the House of Commons will do its duty. We, Sir, are the Representatives of the People of England, and every eye is anxiously and keenly fixed on our proceedings; from us justice is expected; and if we, as their Representatives, disregard their interests in a case of the most peculiar importance that has existed since the period of the glorious Revolution, it is not possible for human foresight to conjecture the extent of the evils with which this land may be afflicted. Let us, Sir, be calm, and endeavour to discriminate correctly the features of the extraordinary case that is now before us; and having so discriminated, let us deliver a decisive opinion, and not waste our time, or trifle with the feelings of the people by talking of suspicions. We must come to a decisive opinion; let us, without further hesitation, address his Majesty to remove the Duke of York from the head of the Army. We shall by that means cast oil in the waves of that tempest, the increase of which appears so strongly to have excited the terrors of the Member for Cambridgeshire. By this the people of England will at once be convinced that they have obtained a verdict of equality. The Honourable Gentleman, who always speaks with sufficient power (Mr. Fuller) has described, in very forcible language, the anonymous letters with which he has been so greatly tormented. The Hon. Gentleman is certainly averse to controul at any time; and we may reasonably infer that he does not feel himself qualified to endure with more than common patience, those teazing applications, or admonitions, for I know not what to term them, to which every public man is necessarily subjected. But every one in this House knows the nature of these things; for my part, I have bushels of letters, such as those complained of by the Hon. Gentleman, some of them beginning "Honoured Sir"; others with "You are a great rogue;" just as the splenetic or irritated humour of the writer dictated at the moment. As to wild and uncontrouled democracy, every man who has at all contemplated the nature of that state of government, and the unfortunate scenes which have been exhibited in a neighbouring country, in consequence of the excessive predominance of the democratic principle, must be thoroughly convinced that, except a rooted, a confirmed, and savage despotism, there can be no tyranny superior to that of an uncontrouled democracy. I have in view, and my ideas have at no time extended beyond that view, a rational, temperate, and gradual reform; but the period when that reform shall be deemed necessary must arrive, and I think it may be rationally believed that at no time was it ever more imperiously called for than the present. I am told not to indulge in these visionary prospects; not to think of reform. Is it not necessary? Are not the Army, the Church, the State, all in situations which loudly, and imperiously, demand instant reform? If we look at that Herculean labour with firmness and resolution, if we undertake it with sincerity and in that spirit with which it ought to be prosecuted, the country will be gradually drawn back to that state from which it has incontrovertibly been declining; and the day on which this reformation is commenced by the voting an address to his Majesty for the removal of the Duke of York from the head of the Army, may be converted into the most triumphant day that England has ever seen. Jacobinism, which is ever present to weak judgments and imaginations, no longer exists; it is absolutely exploded; and every one knows from whence the absurd rumours on that subject have their source. Men talk of libels, and terrify themselves with even the sound of jacobinism; has not royalty also libels? and have we not an Antijacobin? On this subject I will not at so late an hour extend my observations; but I trust that the characteristic good sense and love of liberty of the people of England will not suffer them to entertain a doubt of their capacity to enjoy the blessings of rational liberty, unmixed with licentiousness. The Right Hon. Gentleman, to the brilliancy of whose speech of yesterday I have so sincerely paid my tribute of applause, among the numerous topics on which, in the plenitude of his power, he chose to indulge his fancy, lamented his inability to recollect an appropriate designation for those honourable Members of the House of Commons, who were, as he is pleased sarcastically to term them, the "*Landed Grandees*" of this Assembly. My honourable and learned Friend (Mr. Adam) one of the professed advisers, as he has been termed, of the Duke of York, has, with that propriety and good sense which always mark the delivery of his sentiment, observed, that there are certain modes of designation for persons of every description; but amongst those which my learned Friend enumerated, I do not recollect to have heard that of "Landed Grandee." I am not aware that the situation of any Minister of the Crown, sitting in this House, can justify the selection of any Member as the object of such an epithet as that of "Landed Grandee." I am, however, most certain that the high and sincere estimation in which my Hon. Friend (Mr. Coke) who was so designated by the Right Hon. Gentleman, is universally held, is not inferior to that of any man, in any rank or condition, in these realms. I will not, I cannot be angry with the Right Hon. Gentleman for the opportunity which he has thus afforded me of expressing my high respect and unfeigned regard for my Hon. Friend, who has, I well know, so just a sense of the real foundation on which his grandeur rests, that he will never exchange it for any that it is in the power of his Majesty to confer. I trust I may here venture to express an opinion which I have long entertained, that nothing is more prejudicial to the real interest of the constitution of this kingdom, than the frequent transfer of these "Landed Grandees" into that higher House, in which they instantly lose all their grandeur. For my part, I am sure I should make a very poor Lord; and if every person viewed this subject in the same light with myself, an Honourable Baronet (we are ignorant of the Gentleman alluded to) would have accepted the advice which was offered to him. The translation of a merchant into the rank of nobility, however it may gratify, in some respects, cannot be reasonably expected to be productive of unmixed satisfaction. It was well said, by a high character, of a gentleman with whom he was personally acquainted, and who attained, at his urgent solicitation, the rank of Nobility; "When from a Merchant he became a Nobleman, I never spoke to him afterwards but once. As a merchant, you were at the head: as a nobleman, you are at the tail of your rank; I shall never more speak to you." In these debates we have had the singular advantage of the brilliant speech of the Right Hon. Gentleman to direct our course. It was certainly, in many respects, one of the ablest speeches that I have ever heard; but it was, at the same time, susceptible of improvement, inasmuch as it might have been contrived to touch however slightly on the question in debate, to which merit it certainly has no claim. The Right Hon. Gentleman touched upon every thing but the question: head over heels; we had an eulogium on the military talents of the Duke of York at second hand, derived from the character given in the House, enlivening a recapitulation of the disquisitions of the lawyers, and a complacent self gratulation on the convincing speeches of ministers; but not one word to the question. On this side of the House, with the solitary exception of the gallant General (Ferguson) and some few other gentlemen, we were confined to the plain, downright, and straightforward sentiments of the landed Grandees. Sir, I shall no longer detain the House, having delivered my sentiments with the plainness and sincerity which become an independent Member of the English House of Commons, and one of the Representatives of the People whose interests I shall for ever conceive to be inseparably united with my own. Notwithstanding the laboured manner in which the Chancellor of the Exchequer has attempted to convince the House of the expediency and propriety of the resolutions he has proposed, I am firmly convinced, that, such is the complexity in which the decision of the important question is unfortunately involved, by the variety of amendments proposed, that many gentlemen will feel much difficulty in ascertaining the manner in which they are to give their votes on the several questions as they will be put. My anxiety is, I do not hesitate to confess, very great, that the Right Honourable Gentleman may not succeed in his motion for the resolution for the continuance of the Duke of York at the head of the Army, will, I am absolutely convinced, be not only injurious, but incalculably dangerous to the interests of the Empire.

The SECRETARY at WAR said, that what the Hon. Member alluded to, took place at a Club, of which he was an unworthy Member, which met once a fortnight, where Officers met and expressed their obligations, as well as that of the service to his Royal Highness. But it was determined to do nothing until the House of Commons had disposed of the present subject.

Gen. **PHIPPS** knew nothing of the meeting of General Officers.

Mr. **SECRETARY CANNING** disclaimed it, and observed, that nothing could be more injurious to the cause of his Royal Highness than persisting in such a measure.

Mr. **COATES** did not conceive himself inferior in point of independence to a Gentleman who had boasted of it—(Mr. Coke, of Norfolk)—although he should vote differently from that Hon. Gentleman.

The House divided—

For Sir Thomas Turton's Amendment	135
Against it	334
Majority	199

The House divided upon the resolution of the Chancellor of the Exchequer, for acquitting his Royal Highness of Personal Corruption and Connivance;

For the Resolution	278
Against it	196
Majority for Ministers	82

Adjourned.

MONDAY, MARCH 20.

Mr. **BRAGGE BATHURST** moved the Order of the Day for the House to enter further into the consideration of the minutes of the evidence taken before the Committee of the whole House on the conduct of his Royal Highness the Duke of York, which being read,

The **CHANCELLOR** of the **EXCHEQUER** said, that before the House proceeded upon this subject, he had a fact to communicate, which was of considerable importance in the consideration of that subject; and which he should submit to the good sense and discretion of his Right Hon. Friend (Mr. Bathurst) might possibly induce him no longer to persevere in the intention which he had formed upon this occasion—that of calling the attention of the House of Commons to the question of the propriety, or of the impropriety of the Duke of York continuing in the office of Commander in Chief of his Majesty's army. The fact to which he alluded was that of

THE RESIGNATION
OF HIS ROYAL HIGHNESS, OF THE OFFICE OF
COMMANDER IN CHIEF.

This event took place from the spontaneous motion of his Royal Highness, which his Majesty, with whatever reluctance it might be attended, was graciously pleased to accept. The motives which actuated his Royal Highness to choose that step were such, as, he trusted, would meet the entire approbation of the House—that of a deference to its proceedings; for his Royal Highness was determined not to anticipate, by any act of his own, the decision of the House of Commons; and when that sentiment was stated, he trusted it would meet the entire approbation of the House. He was desirous of stating, as clearly and distinctly as he could, the motives of his Royal Highness in this resignation, and which were fully explained when that resignation was tendered to his Majesty: the substance of which was—

" That the House of Commons, after a long and full investigation into the conduct of his Royal Highness as Commander in Chief, having passed certain Resolutions, declaring their conviction of his innocence, and acquitting him of those criminal charges which had been moved against him, he thought he might now tender a resignation of the office he held of Commander in Chief, without appearing to shrink from those charges, or that he ever entertained a doubt of his innocence being fully proved. That the motives which induced him to approach his Majesty, who, as a kind and indulgent Father and gracious Sovereign, had conferred on him this high command, in order to request he would again receive them, were, that having obtained so complete an acquittal of all corrupt motives, and of all participation or connivance at corruption, with which he had been charged, he was desirous of giving way to that public sentiment which those charges, however ill founded, had unfortunately drawn on him. That it did not become him to give up a situation, in which his Majesty's confidence had placed him, without expressing a hope, that during the period of fourteen years he had had the honour to hold it, his Majesty had been convinced that he had done every thing in his power to promote the interests of the service, and to evince his constant regard to the welfare and prosperity of the army."

Having stated this, the Chancellor of the Exchequer put it to his Right Honourable Friend, whether he now thought it necessary to persist in his motion?

The question was then put, That the House do proceed to the Order of the Day for taking into farther consideration the Evidence on the Conduct of his Royal Highness the Duke of York, and carried without another word.

Mr. BRAGGE BATHURST then proceeded to call the attention of the House to the subject now before it—a subject which it became the more necessary for him to explain, in consequence of the important fact which his Right Honourable Friend (the Chancellor of the Exchequer) had communicated to the House, that of the resignation of his Royal Highness of the office of Commander in Chief; and that still more especially, since it did not appear to him that that event, important as it was in other particulars, ought to make any alteration in the resolution of the House of Commons on the subject which he now submitted to its consideration; and this he trusted the House would do him the justice to feel, to have been his impression, from the first moment when he mentioned this subject to the present hour; and he was confident that nothing had happened in the result of the other questions which had been determined on the subject of the conduct of his Royal Highness, which ought to have the effect of altering his determination. There was nobody who felt more than he did for the loss which the country would sustain in a military view from the retirement of his Royal Highness from the office of Commander in Chief; for there was no one more willing than himself to admit that his Royal Highness had introduced into the army many beneficial regulations; no one was more ready than himself to admire them; and while he admired these regulations, he was perfectly ready to admit, that no other person than his Royal Highness could have accomplished them; and therefore these considerations made him regret that his Royal Highness should have been driven by circumstances (as he had been driven by circumstances) to retire; but if the House would do him the justice to recollect (as assuredly it would recollect) the ground on which he first suggested his proposition to the House, there would, as he presumed, be no difficulty in assenting to it now; but he owed to the House an apology for calling the attention of the House to the subject now before it, and in doing this, it would be necessary for him to give a short history of the proceedings of the House upon the subject of the conduct of his Royal Highness, and of the sentiments which he had urged on a former occasion, when he opened the resolution which he was now about to submit, the repetition of which, although indispensible, was to him grievous, and made the more irksome, on account of the resignation of his Royal Highness, a resignation which did not however do away the necessity of the resolution, for if it had, he should have been glad to wave it. He expressed some anxiety lest he should be misunderstood or misrepresented; for he was aware that, to some, he might appear officious in offering the resolution which he had to propose, after the communication which the Chancellor of the Exchequer had made of the resignation of the Duke of York; but he should be unjust to himself if he did not state, that, to his perfect conviction, the charge of personal corruption or connivance at corruption against his Royal Highness (which was sincerely disbelieved, though more forcibly combated than by himself) was absolutely and entirely repelled. It was from this conviction that he had voted against the Address, and the Amendment to the Address, which had been moved upon this subject; but he should not do justice to his feelings if he did not acknowledge that he saw some shades in the acquittal of his Royal Highness. Here the Right Honourable Member gave a comprehensive account of the former proceedings on this subject, and maintained, that although he assented to all the resolutions which had been hitherto adopted, yet he thought that which he had to propose essential to the right determination of the important matter before the House. He apprehended the resolution which he had to propose was essential to the due disposal of this subject, for at present the proceedings had upon it, as far as they went, were imperfect: the House had indeed decided that his Royal Highness was not guilty of any personal corruption, nor any connivance at corruption, but the House had by no means agreed to draw a wet sponge over the whole of the conduct of his Royal Highness; nor was the matter to be passed over merely on account of the virtues of the Father on the Throne, to whom the resignation of the Son had been tendered, and by whom it had been accepted; for the virtues, however bright (and bright indeed were the virtues which adorned the Sovereign) could not hide the faults of the Son. For these reasons he had to call the attention of the House to a resolution which was more moderate, and, in his mind, more appropriate than those which had been hitherto brought forward and rejected, the object of which was to censure the conduct of his Royal Highness; and in doing this, he was doing what was extremely unpleasant to himself; but he must do his duty, and he apprehended that the measure which he had to propose was one upon which the House might reasonably entertain considerable discussion, for he was aware that not only nobody had yet given his opinion on it in the House, but that also there were many Members who had not yet had an opportunity of delivering their sentiments on the general question, not that he meant to insinuate that the general question ought to be again opened: all he meant was, that the whole matter was not finally concluded upon; and he thought he was entitled to state, that, with a view to ulterior proceedings, the House had not precluded him from the course which he was now pursuing; and without going again over the evidence which had been so much commented upon, he would refer to what had been formerly said, and then the question would be, whether there was not enough left upon the evidence to warrant the resolution with which he should conclude, taking all the former resolutions to have been founded in fact; for he thought that, upon the evidence, there ought to be some resolution upon the moral effect of the misconduct of his Royal Highness, although the House had already declared, that his Royal Highness was free from personal corruption or connivance, &c. That was the whole which, at present, stood on the Journals of the House, and that was not sufficient upon the evidence. It was not enough for the House to shew, that they had found there was no personal corruption in the accused, not enough to shew there was no connivance in the accused, it was necessary that posterity should be satisfied that the House of Commons had considered the whole of the matter, had not been inattentive or negligent of its duty, but had gone into a full examination, and had disposed of all the complaints against his Royal Highness the Commander in Chief; that his resignation had not induced the House to forego its duty, for the Journals would be perused with attention, and the proceedings of the House would be defective, and the character of the House appear to disadvantage, if the resolutions were not commensurate with the evidence. At present it would appear that the Duke was acquitted of corruption, and of connivance, and that was all that would appear on the Journals, unless his resolution was adopted, without which the evidence would contain matter upon which there was no resolution. He then concluded with moving the following resolution:—

"That while this House acknowledges the beneficent effect of the Regulations adopted and acted upon by his Royal Highness in the general discharge of his duties as Commander in Chief, it is observed with the deepest regret, that in consequence of a connexion the most immoral and unbecoming, a communication on official subjects, and an interference in the distribution of Military Appointments and Promotions has been allowed to exist, which could not but lead to discredit the official administration of his Royal Highness, and to give colour and effect, as they have actually done, to transactions the most criminal and disgraceful."

Sir W. Curtis seconded the motion; but we were utterly unable to collect the arguments which were advanced by the worthy Alderman in support of it.

Lord ALTHORPE admitted, that the loss of the services of the Commander in Chief would be great to this country; but the question here was, whether the idea of that loss was not very much diminished, by the reflection that the Commander in Chief had lost the confidence of the country? (*Hear! hear! hear!*) With respect to the rank of his Royal Highness, he by no means agreed with those who thought it a matter which ought to influence the decision of the House; and although this was a point of delicacy with respect to the feelings of his Royal Highness, yet it was better that his feelings should suffer some remorse, than that he should remain in a responsible situation after he had lost the confidence of the public. With respect to what was said of the general charge of corruption, it was said that none of the particulars of it were proved. He did not contend for right of going into that question, but he maintained the propriety of his vote on that occasion, which was to express, that he did not think that the Duke of York was guilty of corruption, or even of connivance at corruption, but yet that he did not think him fit to remain in his situation, for he thought it right that the House should pass that resolution, or some resolution to that effect. He thought the present question was one in which the House could not remain indifferent. It was in his opinion, necessary for the House to shew its determination in a manner totally independent of the resignation of the Duke of York, that if the Duke of York had not resigned, the resolution of the House of Commons would have been that he ought to have resigned. But the Duke having resigned, he did not think it necessary to pursue him, but he wished it should appear upon the Journals why the House did not pursue him, and that reason was, the resignation of his Royal Highness, for he did not wish to see inflicted on him a severer punishment. He knew of nothing more on such a character, than that of being obliged to resign such an office, in consequence of having lost the confidence of the people; and it was distant from his object to hurt the feelings of the Duke of York; still less, if that were possible, did he wish to hurt the feelings of his Majesty; what he therefore wished to have entered upon the Journals was, that the Duke of York, having resigned the office of Commander in Chief of the Army, the House does not consider it necessary to proceed any further in the consideration of this business. "I think (said his Lordship) as long as he remains a subject, he can never regain the confidence of the country; but if, from a concurrence of circumstances, the Duke of York should be placed in an higher situation than a subject, I trust that, from the lesson now given to him, he will learn how a Sovereign ought to act; I trust that he will learn, and that he will feel that however popular, however deservedly popular he may be, however highly favoured for a while, he can never be ultimately successful without retaining the confidence of the people. (*Hear! hear! hear!*) If ever, from an unfortunate concurrence of circumstances, the Duke of York should be called to the higher station to which I have alluded, I trust he will remember his present situation. (*Hear! hear! hear!*) I shall, therefore move the following Amendment to the resolution proposed by the Right Honourable Gentleman:

"That his Royal Highness the Duke of York having resigned the office of Commander in Chief of the Army, this House doth not think necessary now to proceed any farther in the consideration of the minutes of the evidence taken before the Committee appointed to investigate the conduct of the Duke of York, as far as it relates to his Royal Highness."

The question being put on the Motion, and the Amendment:

Mr. **Lockhart** was one of those who were thoroughly convinced of the innocence of his Royal Highness of all species of corruption and connivance; but did not utter what had formerly been reported of him, that he thought his Royal Highness ought to be punished for a crime against society---this was a misrepresentation of what he said, but this was all the complaint he should make of that misrepresentation. He thought that when the House had declared his Royal Highness free from all personal corruption and connivance, the House had done with the subject, because the House, in his view of the thing, had nothing to do with the moral example, unless it happened to be connected with the public official duty of his Royal Highness. Upon a full view of the case, he felt himself called upon by his duty to negative both the amendment and the original resolution now before the House.

Mr. **Cartwright** acquitted his Royal Highness of all species of corruption and connivance at corruption, but yet thought him unfit to remain as Commander in Chief, as he had indeed stated before; for he thought it impossible for his Royal Highness to remain in that situation; but, under the circumstances of his resignation, he did not see the necessity of following up his Royal Highness. He thought the resignation ample atonement, and therefore he should vote against the original motion and the amendment. But he did not go the length which some gentlemen seemed to wish, that of declaring that his Royal Highness never should return to the office of Commander in Chief.

Mr. O'Hara, not having had an opportunity of delivering his sentiments before, took the liberty of doing so now, upon this subject. He should vote against both motions now before the house. From the moment the examination into this subject by evidence was concluded, he had uniformly felt that there was not enough before the House to induce it to exercise its great authority of inquisitorial function, against the prerogative of the crown. The House had so decided; and he thought that the public would, in time, be satisfied with that decision, when the most reasonable part of the public came to hear deliberately the reasons on which the House had acted on this occasion. He was satisfied that this would ultimately be the case with the people of this empire. He could not help regretting that the Duke of York was no longer Commander in Chief. The advantages, as they appeared to him, were incalculable to the public, from the circumstance of such an high character as the Duke of York being Commander in Chief; because from his rank he was elevated above any administration, and therefore independent of it; whereas any other person or number of persons must be subservient to every administration, so that the patronage of the army would in substance be thrown into the hands of administation, and thence unavoidably be subject to a species of influence from which, while in the hands of the Duke of York, it was happily exempt. He observed, that two resolutions had already passed in favour of his Royal Highness, yet he wished a third to the effect, that, although there had been a report of an improper influence over his Royal Highness in the promotion of officers in the army, yet nothing of that kind had appeared in proof; and that the service was greatly indebted to his Royal Highness for the salutary regulations he had introduced into the army.

The **Chancellor** of the **Exchequer** was not disposed to agree to the amendment of the Noble Lord, for he thought the amendment of the Right Hon. Gentleman, unamended, the most unexceptionable of the two. So far, however, from wishing to cast any obloquy upon the Right Hon. Gentleman for submitting his motion to the consideration of the House, he was, on the contrary, inclined to believe that he had been influenced in so doing by a conscientious discharge of his duty. If the motion of the Noble Lord had been brought forward at any other time than the present, still he could not accede to it. As to the allegation in the resolution, "that his Royal Highness had permitted Mrs. Clarke to interfere in military matters," it was to his mind quite an unnecessary proceeding. Neither did he agree to the charge of connivance which had been imputed to his Royal Highness. A charge of that nature he should not have been ready to admit hitherto, but now it was wholly unnecessary. His Royal Highness, by sending in his resignation, had given every atonement which was in his power for any negligence which he might have shewn in his official capacity, and therefore the amendment of the Noble Lord was totally unnecessary. Were he disposed to concur in the proposition of the Noble Lord, he should be going against the opinion of the House, who had already negatived the idea of corruption or connivance. It would not be correct in him to recommend to the House to agree to the amendment, because he should thereby desire them to proceed on grounds which they had negatived. The word "now" in the Noble Lord's amendment was very objectionable; and conceiving that exclusion from office was sufficient punishment to his Royal Highness, he should rather incline to vote for the amendment of the Right Hon. Gentleman.

Mr. HUTCHINSON maintained, that the House, although they had received the notification, had still an important duty to perform towards the public. There was, in his opinion, a great deal to be done; the resignation of his Royal Highness did not satisfy the justice of the case. He thought that it ought to go forth to the public, that this House was disposed to do them strict justice, by coming to some resolution expressive of their opinion upon his Royal Highness's conduct, and tending to prevent similar practices.

Sir CHARLES PRICE justified himself for the vote which he had given on a former night; but in examining the evidence, he was far from saying that the conduct of his Royal Highness was not highly censurable. Being of this opinion he should agree most cordially with the proposition of the Right Hon. Gentleman. He thought the House ought to mark its character by coming to some opinion upon the Illustrious Duke's conduct.

Lord FOLKSTONE conceived that it was absolutely necessary that the House should do something more than merely accept the communication which the Right Hon. Gentleman had made of his Royal Highness's resignation. The manner in which that communication was made to the House, did not altogether satisfy his mind that something more was not necessary to be done by the house. If it had been announced by the Right Hon. Gentleman, that he had brought down a message from his Majesty, signifying the event, and indeed a letter from his Royal Highness, then the House would have been in possession of documents which would have authorised a stoppage to the proceedings, and could have been handed down to posterity. (*Hear! hear!*) But that communication did not appear on the Journals. With respect to the charge of corruption, he thought the evidence warranted the conclusion which he had drawn against his Royal Highness on that point, and therefore that he was an unfit person to return to the station of Commander in Chief—he had lost the confidence of the country. He agreed in the amendment proposed by his Noble Friend.

Mr. HERBERT could not agree that, after what had happened, it was not proper for the House to proceed any further. He could not concur with the Right Hon. Gentleman in his amendment; but was of opinion, with the exception of the word "now," that the Noble Lord's was less objectionable.

Sir J. S. SEBRIGHT declared his intention of voting for the amendment proposed by his Noble Friend.

Lord TEMPLE.---It was not my intention, Sir, to have troubled the House this night; but from what has fallen from the Right Hon. Gentleman (the Chancellor of the Exchequer), I feel it impossible to give a silent vote. A report had been prevalent previous to my entering the House, that the Duke of York had resigned; and I had made up my mind on the naked fact of his resignation, that no further proceedings were necessary. Had the mere statement of the fact been unaccompanied by the observations of the Chancellor of the Exchequer, I should have acquiesced in his wishes, without thinking it necessary to offer an observation. But, Sir, the facts which he has assumed, are so totally at variance with my opinions, and with what has yet been proved, that it is impossible for me to conform to the desire he has expressed, of suspending all further proceedings, and shall most certainly give my vote for the amendment suggested by my Noble Friend (Lord Althorpe). Sir, I cannot but deeply lament, that, considering the Duke of York thought proper to address this House by letter, during the investigation of the charges which had been adduced by the Hon. Gentleman (Mr. Wardle), he should have permitted the important fact of his resignation to have been communicated to us by an extract or copy of a letter to his Majesty, through the medium of the Chancellor of the Exchequer; or that such a communication, which cannot be recorded on the Journals of the House, should have been made the foundation of a measure of public importance, so great as that of suddenly desisting from the decision of a question, which has now occupied, unceasingly, the House from the beginning of February. Sir, I must say, it would have been more satisfactory to me, had the Chancellor of the Exchequer made a verbal communication, without reference to the letter of resignation addressed to his Majesty, than that this House should receive the intimation of so important an event at second hand; and I must confess myself to be greatly at a loss to comprehend the propriety, which, having dictated a letter to the House of Commons at one period of the investigation, should have deemed it unnecessary in the present instance to make a direct communication, by the same mode of address which he had already, in a previous stage of the business, found it expedient to adopt. The Chancellor of the Exchequer states, that the Duke of York withheld his resignation until his innocence had been clearly manifested. Now, Sir, feeling as I do, that although on one point his innocence was so far manifested, that by the resolution of this House he is declared to be acquitted of direct and personal corruption, I must most seriously and solemnly protest against the general assertion, that the innocence of his Royal Highness has been clearly manifested in the enlarged and extended sense of that expression, as it was introduced and applied by the Right Hon. Gentleman; for, Sir, it must be apparent to every gentleman in this House, that the complete and absolute innocence of the Duke of York on every part of the charges against him has not been substantiated. The discussion before the House was not terminated, and if the Chancellor had not made the communication we have heard this night, the House was prepared to proceed on a very strong and material point; I mean, Sir, the conduct of Mrs. Clarke, whose interference a very large proportion of this House appears to have thought utterly inconsistent with that cautious purity of official conduct which the public had a right to expect from the Commander in Chief of the military force of the British Empire. This, Sir, was a part of the accusation which had not been disposed of, and on which we should have unquestionably come to a vote. Can it then be said, Sir, that the innocence of the Duke of York was already fully proved? Sir, I will not pretend to say, what might have been the vote of this House on that question; but I do affirm, that the facts do not bear out the statement of the innocence of the Duke of York having been fully proved. The influence of the Duke of York had been used by Mrs. Clarke to obtain the unwarrantable appointment of improper persons; and until that accusation be disposed of, it is too much to tell the House that the innocence of the Duke of York is fully proved. Sir, the Chancellor of the Exchequer having, as he conceives, made good his ground by the assumption of this false position, proceeds consecutively to inform us, that it cannot be supposed that the resignation of the Duke of York was produced by any apprehension of the consequences of this discussion. Sir, the correctness of this assertion I will not take upon me to doubt; but this I will say, that it would have well become the advisers of his Royal Highness to have refrained from any thing which could be construed into a tone of defiance. Sir, it had been more decorous to have recommended his Royal Highness to have admitted, that his resignation was not wholly uninfluenced by the strongly avowed sentiments and opinions that have been expressed not only in this House, but throughout the United Empire; that his resignation was not *ex mero motu*, not the result solely of his own pleasure, but in some degree, however inconsiderable, in deference to the sentiments of a considerable proportion of this House, and to those of a very large majority of the British public. Sir, it would have been no disgrace to the understanding of the Duke of York, or his advisers, professed or otherwise, to have said, "I bow to the opinion of the country, on the incompatibility of my retaining the high office of Commander in Chief in opposition to the voice of the people; they have generously and justly acquitted me of that accusation, under a conviction of which life would have been an insupportable burthen---direct and personal corruption or participation; I therefore withdraw myself from a situation which I can no longer fill with satisfaction, because it is not in unison with the feelings of the country." The people, Sir, would have felt this; and it is not easy to appreciate the effect which might have been produced by a dignified and manly appeal to the generosity of the British nation; but to assume as a proof of absolute innocence a half-pronounced sentence of acquittal, is that to which I can never agree. To close the door against all future proceedings, by this presumptuous assumption of that which is not yet proved, is that against which I will ever loudly protest. Sir, I will not admit that the resignation of the Duke of York has been uninfluenced by his dread of the event of the inquiry and discussion of this House. But, Sir, if we had not received this communication of the resignation of his Royal Highness from the Right Hon. Gentleman, I cannot but hope that the decision of this House would have been consistent with the firmness by which it ought ever to be characterised. It would not have been enough to have expressed our opinion indirectly, to have censured by a side wind; the Crown ought not to have been left to collect our opinion by insinuations, suspicions, or inferences; it becomes the Commons of England to speak out plainly, broadly, and in such a manner as to prevent the possibility of being misunderstood. Sir, the Duke of York having resigned, the object which the House of Commons had in view is attained; and I am the last man in this House (and such, I trust, I am known to be) who would urge any question beyond its fair, candid, and rational bearing. An impeachment has more than once been mentioned; but I disclaim all idea of the necessity or propriety of any such measure; it is, in my opinion, a subject not to be agitated. I am merely anxious to support the dignity of this House and of the people, whose representatives we are, by protesting against the admission of a fact which is assumed, not proved, the entire innocence of the Duke of York; and I, therefore, in consequence of the assertion on that point of the Chancellor of the Exchequer, shall certainly vote for the amendment of my Noble Friend.

Mr. H. ADDINGTON defended the observations of his Right Hon. Relation from the observations made by the Noble Lord, as to his wishing to obtain, by means of a side wind, the acquittal of his Royal Highness. The Right Hon. Gentleman drew a distinction between popular clamour and public opinion, much to the advantage of the latter sentiment, which, he contended, was the feeling of the enlightened, thinking, and rational part of society. He agreed in the motion of his Right Hon. Relation.

Mr. GOOCH considered that his Royal Highness was responsible to the House for his conduct.

Mr. H. THORNTON had entertained some doubt whether the motion of the Noble Lord (Lord Althorpe), or that of the Hon. Gentleman (Mr. Bathurst), was preferable under the present circumstances; but on the whole, he inclined to that of the Noble Lord, and chiefly for the following reason. The House, he was sure, must by this time have discovered how very difficult it was to express, in any detailed resolution, the precise sentiment of the collective body of those who were disposed to animadvert on the conduct of the Duke of York. His Royal Highness happily, as he thought, had resigned his office, and thus relieved them from this difficulty; and it was now perhaps better to avail themselves of this circumstance, by recording it to be the ground on which the house abstained from further proceedings, than again to fall into the old difficulty. He, for his part, could have voted for the motion of the Hon. Gentleman (Mr. Bathurst). It contained nothing to which he did not agree, but it did not comprise all his sentiments. It left out what was not official. There were many circumstances entirely distinct from the concerns of the office of the Commander in Chief; such, for example, as the affair of Kennett and Dr. O'Meara, which, by indicating a general laxity of principle, contributed materially to make him think the Duke defective in the qualifications of his important office. Mr. Thornton could have joined with the Hon. Gentlemen as far as he went for the sake of conciliation; but an option being now afforded him, he was for the resolution of the Noble Lord, to which both he and other gentlemen might agree, each nevertheless interpreting it according to his own views of the case. He wished the word "now" not to be inserted.

Mr. WHITBREAD.—"Sir, having already trespassed so much on the attention of the House, I shall certainly endeavour to take up as little of its time as possible; but I cannot avoid stating the grounds on which I shall vote for the Amendment, which has been proposed in a speech so devoid of affectation, and so pregnant with ability, as that of my Noble Friend behind me (Lord Althorpe). For, to have voted for the Resolution of the Right Honourable Gentleman (Mr. Bathurst) would have been totally incompatible with my ideas on the subject, even had no Amendment been suggested. Sir, there are different ways of considering every subject; some grave and important, and others light and ludicrous: and I found it not a little difficult to ascertain whether the Hon. Gentleman, (Mr. Hiley Addington) intended to be serious or jocular when he said that the proposition of his Right Hon. Friend would have a manifest tendency to facilitate the continuance of the Duke of York in the office of Commander in Chief. I do, however, believe, from the best consideration I can give the subject, that the Honourable Gentleman was really serious in an assertion so whimsically paradoxical. Now, Sir, is it not monstrous to suppose that it can be declared by this House, in the solemn Resolution prepared by the Right Honourable Gentleman, that this House sees, with deep regret, that the improper interference of such a person as Mrs. Clarke has been suffered to exist; and if such a Resolution, expressive of the official misconduct of his Royal Highness, which has actually been the case, should be placed on the journals of this House; is it not, I say, monstrous to talk of that Resolution facilitating the continuance of the Duke of York in the office of Commander in Chief? Sir, in my mind it would tend to exclude him for ever from again filling that high station; it would be the fiat of his irrevocable exclusion from that high office: nor can there, I am certain, be any one gentleman in this House, except those who have expressed their decided opinions on that Resolution, who can imagine that the Duke could have continued a single hour in office after the passing of such a vote. Sir, I repeat that this is a monstrous proposition. Now, with regard to that part of the resolution which goes to compliment his Royal Highness for his conduct in the high official situation he has so long held, it does not appear to me to have been sufficiently proved that it was so transcendently brilliant as to call for an eulogium; nor do I see the propriety of introducing in an Address, in which certain parts of the conduct of his Royal Highness are certainly inculpated, a complimentary allusion. I am very far from intending to deprive the Duke of York of any part of the merit he can justly claim; but as a Member of this House, sitting in my place, I cannot bring my mind to think, that his conduct can, with consistency, be at once condemned and applauded in a Resolution of this House. As to the morality of the case, this is not the time to read a lecture on morality. The Duke of York has resigned; and whether that resignation has proceeded (as the Chancellor of the Exchequer has observed) from the innate consciousness of his own innocence, or whether it has resulted from a deference to the opinion of a distinguished minority, so strongly expressed; for the opinion, Sir, even of a minority, has, in former times, had very important consequences; it has produced a cessation of war between great nations, and, abstractedly from all party considerations, has had very powerful effects. Whether it was that he yielded to that growing sense and opinion on the subject of corruption, which might be easily perceived, I think in this House—or that he had been acquitted of direct corruption or participation—or whether it was that, apprehending this House would come to a vote, by a considerable majority, of a connivance at the interference and improper practices of Mrs. Clarke and her agents, it was thought imprudent and improper to continue to hold the office in the very face of an accusation and censure of the Commons of England, it is not in my power to ascertain, nor is it material to inquire. The Duke of York has resigned; he has retired; and one important object of the investigation has therefore been attained. The Chancellor of the Exchequer, from the course of our proceedings on this important subject, took occasion to attack my Honourable Friends, for having deserted their original purpose; now really, Sir, I think that the entanglement which the Right Honourable Gentleman and his Friends have produced, lays them open to a recriminating attack of a precisely similar nature, that of having abandoned their purpose, deserted the cause of the Duke of York. For, Sir, after having repeatedly declared his firm belief of the entire and unqualified innocence of the Duke of York, I am at a perfect loss to conceive on what principle the Right Honourable Gentleman could advise his Majesty to accept the resignation of the Duke of York; on the subject of whose transcendent and inestimable services in the regeneration of the army he has so strongly insisted. Every Gentleman on that side of the House has declared his firm opinion of the high importance of the services of the Duke of York, and the great loss which the country would sustain from his retirement from the head of the army: why, then, if the Duke was innocent in the eyes of the Right Honourable Gentleman, did he desert him in the hour of difficulty? Sir, it was his duty, if he acted consistently with his declarations in this House, to have advised His Majesty on no account to have accepted the resignation of the Duke of York; or, if he thought properto accept the line of conduct which he has pursued, let me ask of him for what reason is he in the situation where he now sits? On the part of myself, and those who have spoken their sentiments on this side of the House, it is sufficient that the Duke of York has resigned; that object was all that we had in view; because those who believed that he had been guilty of connivance; not going the length of the Chancellor of the Exchequer, that the guilt of connivance was fully paramount to that of corruption in the basest sense—were satisfied with the resignation of the Duke of York; and the country will, I believe and trust, now be satisfied with what has past. If the resignation of the Duke of York had been tendered previous to the close of the evidence, I should have insisted on the necessity of a distinct vote on the question of corruption; but as those who voted on the inseparable connexion of corruption and connivance have been beat on those points, I do not think any further proceeding necessary. They do not want him to resign; yet, after he has resigned, they come and fire on him with a Resolution of connivance. As to the point of influence that might have been a necessary discussion previous to the resignation, or if the resignation had taken place at an earlier period; but when you come to the question of influence, and the Duke is out of office, I can only say, that if that does not stimulate his mind as to what is the proper course for him to pursue in future, not all the Resolutions this House can pass will induce that Reformation in the conduct of his Royal Highness which this House and the public could desire. And here I cannot but remark, that amongst the many curious circumstances which have attended this Inquiry, that of the extraordinary anxiety of two worthy Baronets, Members for the City of London, is not the least so. They came in, Sir, after the resignation, breathless, absolutely exhausted, but, unluckily for them, just a day after the fair; and jumping on the dead carcase which, when living, they would not even look at, exclaim, here we are—see how anxious, how active, how keen; what shall we say? What shall we do—to manifest our zeal? Good God! can there have been a doubt of our anxiety to vote against the Duke of York? Now let our constituents, whose interests are our dear and only pursuit in this life, see what we are." I trust, however, Sir, that this luminous project will be completely foiled. (*Hear! hear!*). A particular exception has been taken, Sir, to the word "Now," which I conceive to be absolutely essential to the Amendment. Some Gentleman may, possibly, by misconception, have conceived that the exclusion which has been alluded to, may have reference to the possible succession to the Throne. I have already delivered my sentiments on this subject; but I will repeat, that any thing like exclusion from the Throne, I hold to be impossible for us to think of it is totally out of the question, and even much too serious to be talked of. Exclusion from office is all that can be meant by the word "Now." Another Honourable Gentleman has talked of the impropriety of the exclusion of the Duke of York from office. Sir, I said a little while ago, that I was assured the country would have received ample satisfaction by the resignation of the Duke, and the Amendment, as it now stands; but if the public were once to know, or even to suspect, that the Duke of York was about to be reinstated in his place as Commander-in-Chief; you will find that you have done a very little to quiet that violent ferment with which all England rings from side to side. (*Hear! hear! hear!*) If you do not tell them now, that such an event is impossible, you will have done nothing to satisfy their expectations, which I have a right to say, when I say they are my own. But the Right Hon. Gentleman says, will you say it is impossible he should ever again be employed? Sir, I confess that to me it appears to be as nearly impossible as any thing can be. (*Hear! hear!*) But I will not take upon me to say that it is absolutely so, having no power to look into futurity. But I will suppose now, that by some miraculous event—some coincidence of circumstances beyond human apprehension, it should, by possibility, be deemed not improper to reinstate his Royal Highness in the place of Commander in Chief; and if, for instance, in the course of a month, such an event should happen; you will then have abandoned the consideration, if you expunge the word "now," which, if it be permitted to stand, reserves to you the power of resuming the consideration of the report, and of re-examining the question, whether he ought to be so replaced in the command of the army or not. I therefore think the introduction of the word "now" not only proper but indispensible. The conduct of the Chancellor of the Exchequer is, I confess, to me most unaccountable and extraordinary; having talked most magnanimously of continuing the Duke of York in his office; of the propriety, advantage, and necessity of so doing, having expressed his great satisfaction at his exculpation, and all this at a moment when he knew he could not and would not continue in the office; he comes down to-night, and very cavalierly tells us that the Duke of York has resigned, and recommends us to vote nothing more. Now, Sir, we have heard what has been said on the subject of party clamour, which, in the course of the debates on the subject before us, has been pretty liberally imputed to Gentlemen on this side of the House. I do contend, Sir, that if there ever was a question carried against all party, this is that question. The first party consisted of my Honourable Friend who brought forward the charges, which party consisted of that Honourable Gentleman, who, at the commencement of the proceedings, actually stood alone. There is the party opposite to me, with the Right Honourable Gentleman at its head; there is the party of my Honourable Friend, who sits near to me, that is distinguished by an epithet, which it is unnecessary to mention. Now, against these parties, my Honourable Friend, though unsupported in the outset by any one, has absolutely contrived to induce 135 Members of this House to adopt his opinions to the fullest and most unqualified extent. An Honourable Gentleman over the way would have been dissatisfied with himself to have talked of party purposes; and therefore the manner in which this important question was originated, must have been a matter of high consolation to him. There is, Sir, however, one important object, which will I hope and trust, at length be effected—I mean the annihilation of that party which has, for more than forty years existed, secret, invisible, but possessing power so great, as to have drawn from the great Chatham the forcible observation, that "there did exist something behind the Throne that was greater than the throne itself." This hidden, but irresistible power has upset various Administrations; that party now exists, and at the head of it, if any credit can be given to a pamphlet that was most audaciously published last summer, is the Duke of York. This party, Sir, has appropriated to itself the name of the King's Friends. Now, Sir, the Constitution can recognize no such distinction; it is totally unconstitutional to suppose that any subject, whose allegiance is unshaken, is not the King's Friend. Every man ought to be the King's Friend, and is bound to be such by the institutions of the society in which we live: the existence of a party denominating themselves the King's Friends, is, in fact, a reflection, if not a libel on the rest of his subjects; and, I trust, that if the law officers of the crown do deem it necessary to prosecute the authors of libellous productions, they will begin with that foulest of all libels to which I allude ("A Plain Statement," we apprehend.) The honour and reputation of the Duke are deeply interested in the refutation of the assertions contained in that most audacious of publications. The period has, I hope, arrived, when the party to which I allude will cease to intrigue in the destruction and formation of Administrations. If we are to believe report, the last Ministry was displaced, and the present Ministry established by the secret influence and intrigues of that party. Sir, I hope to see that party and all secret influence extinguished; and I am not without hope that the good sense of princes will not permit them to be longer blind to the peril to which the royal family is exposed by these intrigues, which were the true cause of putting down that family to which they owe their situations. When King Charles the Second consulted with Sir William Temple on this subject, that wise counsellor did not hesitate to tell him, that he might employ five or six, or as many secret counsellors as he pleased, but that it was his interest and his duty, as the Monarch of a free country, to consult with no counsellors but such as were ostensibly known and recognized as such. He represented to the Monarch, that any other description of counsellors was unknown to the Constitution of England; and that if he persevered in the system of secret counsellors, he would eventually overthrow the crown and kingdom. With regard to the lecture on morality, which the Right Honourable Gentleman has introduced, for the purpose of being read to the Duke of York, I must confess that I do not think the time is happily selected for that purpose. In the course of this examination, a letter sufficiently long and grave, has certainly been read on that subject; for my own part I have never viewed princes as objects of envy; exposed from early infancy to the baneful influence of flattery, to temptation and corruption on every side, cut off from the source of that great solace of human existence, friendship, there certainly are allowances to be made for their deviations from the strict line of correct conduct, which cannot be urged in extenuation by those of inferior rank. Sir, I have said, that princes are excluded from the solace of friendship, and in saying this, I am sure I am not going too far. He must be a bold man who would have laid open to the Duke of York the impropriety of his conduct on the matters which have have been recorded on the journals of this House. No prince can have such a friend. Unfortunately, from their rank and education, the minds of princes do not appear to be adapted to that species of intercourse which can permit the admonition of a faithful friend, which, in the midst of the best advice and counsel, has been so often answered by princes with a bow, and permission to retire. In addition to these important considerations, let it be remembered that princes are, from their situations, compelled to form connections in which the heart has no interest; shall we then tie them up in fetters more strong than we would use to other men? Shall we proceed to lecture and throw stones against those whose temptations are greater than ours? I wish it could be remedied; and I cannot here help observing, that we have a Royal Duke who does not stand conspicuous for any of these immoralities (probably the Duke of Gloucester—*Hear!*) I am sensible that I have already trespassed greatly on the time and attention of the House; but I intreat their indulgence for a few minutes on a subject which I mentioned the other night; I mean the Meeting of General officers, in which it was proposed to address the Duke of York, and on which subject the Right Hon. Gentleman opposite to me (Mr. Canning) so candidly and handsomely disclaimed all interference. I understood, Sir, from the Secretary at War, that it had been put down, and that too by the Right Hon. Gentleman himself, as soon as it was suggested. Now the story which I have heard is very different, and considering how fatal the consequences of such a proceeding might ultimately prove, I thought that the interference of a Member of Parliament might have a tendency entirely to prevent the mischief to be apprehended; that it might strangle the monster so abhorred by our Constitution, of military deliberation, in its birth. I have been informed, Sir, that the proposition for this Address had originated in a letter written by a general officer, commanding a garrison town; and that such proposition or letter, was in the hand-writing of Sir D. Dundas, who, at the meeting of the general officers, communicated the substance of it in a speech to those general officers who were present, of whom a list, amounting to thirteen in number, has been given to me since I entered the House. The motion that was made was seconded by Sir D. Dundas himself; and my information is, that with the opposition of only one general officer, it was received almost with acclamation: that it was, in consequence of that opposition, withdrawn; but that the intention was not set aside, but deferred, with the possibility of being revived. Sir, I have reason to suppose that this is not a solitary instance of an intention to present an Address of a similar nature; for accidentally meeting with a gentleman in the street, a bookseller extremely well known to the gentlemen on the other side; (Mr. Stockdale we apprehend) he communicated a very singular application that had been made by a clergyman, who wished to find some person who was qualified to correct an Address to the Duke of York, paying him many just compliments, but at the same time suggesting to him the impropriety of his resignation. The good sense of that Gentleman led him to dissuade the clergyman from persevering in a measure so highly improper, and which were of a most fatal tendency. I am not, Sir, in the least afraid of this now. To have mentioned the fact is sufficient to prevent its progress. I cannot here help expressing my great satisfaction at seeing several military gentlemen in their places, for I am one of those who have always thought that a general assemblage of gentlemen, of different professions, is highly useful, as we are at all times able to possess ourselves of the information they can afford on subjects respecting which we are necessarily ignorant. I have merely mentioned this fact to draw the attention of the House, and shew the disposition which has actually existed in the army. It is sufficient, I am sure, to remind that highly-honourable class of men of which our army is composed, that the duties of the citizen are paramount to those of the soldier. The celebrated appeal of Cæsar to his troops, when he termed them "Quirites," is in the recollection of every Gentleman; as soldiers and citizens, our army ought not to deliberate, but to obey. There is one more point on which I feel it necessary to touch; much has been said of the benefit of having a Royal Commander-in-Chief, who could step in with his protection between officers of the army and Parliament. Sir, what a picture does this draw of this House and of Administration? Every

Administration, he says, must be so corrupt, that if you take the command of the army from the son of the King, every officer will be exposed to danger. Sir, it has been exhibited to the view of all mankind, that a prince of the blood has been continued at the head of the army, while under the accusation of serious charges in this House. Now, Sir, I do seriously and solemnly ask this House, whether this could have gone on for two days, had the charges been against any other person? It is now clear, whatever doubt might have existed, that it is not fit that the son of a King should have the command of the army. From the first day of February to the present moment, has this House been incessantly and most laboriously occupied in the investigation of these charges; and after having, by a miraculous coincidence of circumstances, that have come to light gradually and most unexpectedly to inculpate the Commander in Chief, what do we get? at the end of many weeks, a voluntary resignation. See the facility with which the son of a King can be brought to account; see the facility with which the odium of an accusation can be cast. Now you have put the charges in a tangible shape, we thank you. This, Sir, was the language of the Gentlemen on the other side of the House; but now the Gentleman who offered them thanks for having put the charges in a tangible shape, refuses to give any thanks at all. Sir, the difference of cases is great between that of the Duke of York and the memorable one of the dismissal of the Duke of Cumberland, the favourite son of George II. in the instance of the disgraceful convention of Closter Seven: the dismissal of that Royal Personage followed the act instantaneously, and forms a striking contrast with the tardy and reluctant resignation of the Duke of York. I do assert, Sir, without hesitation or qualification, that a son of the King is an improper person to be Commander in Chief of the British army. It is impossible for me to sit silent in this House, and not offer an explanation of my reason for supporting my Honourable Friend (Mr. Wardle), who, I will venture to say, has with him the wishes and opinions of most of those whom he values in this House; and who, I am confident, has "the hearty thanks and entire approbation of nine hundred and ninety-nine persons in a thousand out of it—throughout the whole of the United Empire.

Mr. ADDINGTON explained.

The SECRETARY at WAR said, that respecting the meeting of general officers, on which the Honourable Member who had just sat down had so much dwelt, he would only repeat the statement he made on a former evening. An Address was talked of, but no form of Address was read or proposed. It was merely the subject of a short conversation. So far was he from seconding such a proposition, that he knew nothing of it until the cloth was removed. He gave his opinion that nothing should be done until the investigation was at an end. There were only thirteen officers present, very few of whom took any part in the conversation. If he had been asked on coming out of the room, whether such an Address was intended or not, he would have been at a loss to answer the question.

Mr. WHITBREAD said, he understood a paper, the writing of General Dundas, had been read from the chair. He was happy to find, by the statement of the Secretary at War, that it was not so. It would make him more happy if he could learn from him that the idea was wholly abandoned.

Mr. Secretary CANNING observed, that when he heard, for the first time, of an intention of addressing the Duke of York, he lost no time in expressing his marked disapprobation of such an interference of any part of the army. He did then suppose that the statement was made on some more grave authority than it now appeared to be. If there existed any intention of making such an use of any part of the army, a more culpable design could not be formed. But there seemed to be no foundation for such an apprehension on his part. A mere conversation at a convivial meeting was swelled into an idea so alarming to his mind. If at any future time a design so criminal and unconstitutional should be formed by the army, or any other body, he could assure the Honourable Gentleman he would give him every support in his power in any measures he might think necessary to counteract such designs.

Mr. WHITBREAD said, that if any doubt was entertained respecting the accuracy of his information, the best way would be to call the persons to the Bar, and investigate the fact. He understood the proposition had been made before dinner, when perhaps the Honourable Member was not in the room.

The CHANCELLOR of the EXCHEQUER, in reply to an observation in Mr. Whitbread's speech, said, that the resignation of the Duke of York was his act alone. He was therefore at a loss to discover upon what grounds the Honourable Member would say that he had deserted his Royal Highness.

General LOFTUS confirmed the statement of the Secretary at War. He said, he was assured by an old general officer, who was present at the meeting, that the idea of an Address was merely thrown out, and that the conversation on it existed only for a very short time.

Mr. LEGH KECK declared himself against the Amendment proposed by the Noble Lord, and in favour of the original Motion.

Mr. BATHURST replied. He would not consent to withdraw his Motion. It did not come by surprise upon the House, but had been almost a week before them. He conceived the House was bound to pronounce upon the minor charge, that of his Royal Highness having permitted an improper influence to be exercised over him. The putting his Resolution on the Journals would be no bar to his Royal Highness's return to office. It did not charge him with corruption or connivance, but went merely to say he had been indiscreet. He thought it incumbent on the House to mark their sense of this part of the Duke of York's conduct.

The question being loudly called for, strangers were ordered to withdraw. We understood Mr. Bathurst's resolution was negatived without a division.

The CHANCELLOR of the EXCHEQUER next moved, that the word "NOW" should be left out of Lord Althorpe's Amendment. After a conversation of some length, from hearing which strangers were excluded, a division took place.

Ayes - - -	235
Noes - - -	112
Majority	123 for leaving out the word "now."

MINORITY

MINORITY

ON

MR. WARDLE's MOTION.

ADAMS, C.
Althorpe, Lord
Antonie, W. L.
Astell, Wm.
Aubrey, Sir J.
Bagenell, W.
Baillie, Geo.
Baring, Thos.
Baring, Alex.
Bastard, J. Pollex.
Bewicke, C.
Biddulph, R. M.
Bradshaw, Hon. A. C.
Brand, Hon. T.
Brogden, J.
Browne, Ant.
Byng, Geo.
Calcraft, J.
Coke, J. W.
Colborne, N. R.
Combe, H. C.
Cooke, Bryan
Craig, J.
Creevey, Chas.
Curwen, J. C.
Cuthbert, T. R.
Daly, Right Hon. D. B.
Dickenson, W.
Fellowes, Hon. N.
Ferguson, R.
Fitzgerald, Right Hon. M.
Foley, Hon. A.
Foley, Thomas
Folkstone, Lord (Teller)
Goddard, Thomas
Gordon, Wm.
Grenfell, Pascoe
Hall, Sir Jas.
Halsey, Joseph
Hamilton, Lord A.
Hibbert, Geo.
Honywood, W.
Horner, F.
Horrocks, S.
Howard, Hon. W.
Howard, H.
Howorth, Humph.
Hughes, W. L.
Hume, W. H.
Hurst, R.
Hussey, Wm.
Hutchinson, Hon. C.
Jackson, J.
Jacob, Wm.
Kemp, T.
Kensington, Lord
King, Sir J. D.
Knapp, G.
Lambton, R.
Langton, W. G.
Latouche, J.
Latouche, R.
Lefevre, C. S.
Lester, Garland
Lloyd, J. M.
Lloyd, Sir E.
Longman, G.
Littleton, Hon. W.
Maddocks, W. A.
Mahon, Lord
Markham, J.
Martin, H.
Maule, Hon. W.
Maxwell, W.

Milbanke, Sir R.
Mildmay, Sir H.
Milner, Sir W.
Moore, Peter
Morris, Robt.
Mosely, Sir Oswald
Mostyn, Sir Thos.
Neville, Hon. R.
Noel, G. N.
Ord, W.
Ossulston, Lord
Parnell, H.
Peirse, H.
Pelham, Hon. C. A.
Pochin, C
Porcher, J. D.
Portman, G. B.
Prittie, Hon. F. A.
Pym, F.
Ridley, Sir M.
Romilly, Sir S.
Scudamore, R. P.
Sebright, Sir J.
Sharpe, R.
Shelley, H.
Shelley, T.
Shipley, W.
Smith, Sam.
Smith, John
Smith, Geo.
Staniforth, John
Stanley, Lord
Symonds, Thos.
Talbot, R. W.
Taylor, C. W.
Taylor, W.
Thomas, Geo. White
Thompson, Thos.
Tighe, W.
Townshend, Lord J.
Tracey, C. H.
Turner, J. F.
Vaughan, Hon. J.
Wardle, C. L. (Teller)
Western, C. C.
Wharton, J.
Whitbread, S.
Wilkins, Walter
Williams, Owen
Winnington, Sir T. E.
Wynn, Sir W. W.
Wynn, C. W. W.

It would have been 127, if Sir Francis Burdett had not been obliged to retire on account of indisposition.

MINORITY

ON THE

MOTION OF SIR THOMAS TURTON.

Those marked * did not vote in the Minority on Mr. Wardle's Motion. The new Members are 23 in number, so that 150 in all have declared his Royal Highness to be either criminal or weak.

ADAMS, C.
Althorpe, Lord
Antonie, W. L.
Astell, Wm.
Astley, Sir Jacob*
Babington, Thos.*
Bagenell, Wm.
Baring, Thos.
Baring, Alex.
Bastard, J. Pollex.

Biddulph, R. M.
Bradshaw, Hon. A. C.
Brand, Hon. T. (Teller)
Brogden, J.
Browne, Ant.
Byng, Geo.
Calcraft, John
Combe, H. C.
Cooke, Bryan
Craig, J.
Creevey, Thomas
Curwen, J. C.
Cuthbert, J. R.
Daly, Right Hon. B. D.
Dickenson, W.
Ellison, Richard*
Fane, John*
Fellowes, Hon. N.
Ferguson, R. C.
Fitzgerald, Right Hon. M.
Foley, Hon. A.
Foley, Thomas
Folkstone, Lord
Folkes, Sir Martin*
Goddard, Thomas
Gordon, Wm.
Gower, Earl*
Greenhill, Robt.
Grenfell, Pascoe
Giles, D.
Hall, Sir J.
Halsey, Joseph
Hamilton, Lord A.
Hibbert, Geo.
Honeywood, W.
Horner, F.
Horrocks, S.
Howard, Hon. W.
Howard, H.
Howorth, Humph.
Hughes, W. L.
Hume, W. H.
Hurst, R.
Hutchinson, Hon. C.
Jackson, J. (Dover)
Jackson, J. (Southampton)*
Jacob, Wm.
Kemp, T.
Kensington, Lord
Knapp, G.
Lemon, Sir W.*
Lemon, John*
Lester, Garland
Latouche, J.
Latouche, R.
Lambe, Hon. W.
Lambton, R. J.
Langton, W. G.
Lefevre, C. Shaw
Lloyd, Sir E.
Lloyd, J. M.
Lloyd, Hardress*
Lubbock, Sir John*
Longman, Geo.
Lyttleton, Hon. W.
M'Donald, James*
Madocks, William
Mahon, Lord
Markham, J.
Martin, H.
Maule, Hon. W.
Maxwell, W.
Miller, Sir Thos.*
Mills, Wm.*
Mildmay, Sir H.
Milner, Sir W.
Moore, Peter
Morris. Robt.
Mostyn, Sir Thos.
Moseley, Sir Oswald
Newport, Sir J.*
Noel, G. W.
North, Dudley*
Ord, Wm.
Parnell, H.
Palmer, Charles*
Peirse, Henry
Pelham, Hon. C. A.
Pochin, C.
Porcher, J. D.
Portman, E. B.
Prittie, Hon. F. A.
Pym, F.
Romilly, Sir S.
Saint Aubin, Sir J.*
Scudamore, R. P.

Sebright, Sir J.
Sharpe, R.
Shelley, H.
Shelley, T.
Shipley, W.
Smith, Henry*
Smith, Sam.
Smith, John
Smith, Geo.
Staniforth, John
Stanley, Lord
Stuart, Hon. M.*
Symonds, Thos.
Taylor, W.
Talbot, R. W.
Taylor, C. W.
Tempest, Sir H. V.
Thomas, Geo. White
Thompson, Thos.
Turton, Sir Thos.* (Teller)
Thornton, Samuel*
Tighe, W.
Townshend, Lord J.
Tracey, C. H.
Turner, J. F.
Vaughan, Hon. J.
Walsh, Benj.
Wardle, C. L.
Western, C. C.
Wharton, J.
Whitbread, S.
Wilkins, Walter
Winnington, Sir T. E.

By the death of Lady Dorothy Fitzwilliam, which happened on Thursday se'nnight, Lord Milton and the three brothers, Dundas, were prevented from attending and voting, as they undoubtedly would have done, in support of Sir Thomas Turton's motion.

MINORITY ON THE RESOLUTION OF THE CHANCELLOR OF THE EXCHEQUER.

ADAMS, C.
Abercromby, Hon. J.
Agar, Eman.
Althorpe, Visc.
Anstruther, Sir J.
Antonie, W. L.
Astell, Wm.
Astley, Sir Jacob
Aubrey, Sir J.
Babington, Thos.
Bagenell, W.
Baker, J.
Baring, A.
Baring, T.
Bastard, John P.
Bewicke, C.
Biddulph, R. M.
Blackburne, J.
Blackburne, J. J.
Bouverie, Hon. B.
Bowyer, Sir Geo.
Brand, Hon. T.
Bradshaw, Hon. C.
Brogden, J.
Browne, Ant.
Byng, Geo.
Calcraft, John
Calvert, N.
Cocks, J.
Coke, Daniel Parker

Colburne, N. W. R.
Combe, H. C.
Cooke, Bryan
Cowper, E Synge
Craig, J.
Creevey, Thomas
Curwen, J. C.
Cuthbert, J.
Daly, Right Hon. D. B.
Dickenson, W.
Drake, T. D.
Elliot, Right Hon. W.
Ellison, Richard
Fane, John
Fellowes, Hon. N.
Ferguson, R. C.
Fitzgerald, Right Hon. M.
Foley, Hon. A.
Foley, Thomas
Folkes, Sir Martin
Folkstone, Lord
Falkland, W.
Goddard, Thomas
Gordon, Wm.
Gower, Earl
Grant, C.
Grattan, Right Hon. H.
Greenhill, Robt.
Greenough, G. B
Grenfell, Pascoe
Giles, D.
Hall, Sir James
Halsey, Joseph
Hamilton, Lord A.
Herbert, H.
Hibbert, Geo.
Hobhouse, R.
Holmes, W.
Honywood, W.
Horner, F.
Horrocks, S.
Howard, Hon. W.
Howard, H.
Howorth, Humph.
Hughes, W. L.
Hume, W. H.
Hurst, R.
Hutchinson, Hon. C.
Jacob, William
Jackson, J.
Keck, G. A. L.
Kemp, T.
Kensington, Lord
King, Sir J. D.
Knapp, G.
Knox, Hon. T.
Lamb, Hon. W.
Lambton, R.
Langton, W. G.
Latouche, D.
Latouche, R.
Lesters G.
Lefevre, C. Shaw
Lemon, John
Lemon, Sir W.
Lethbridge, J. B.
Lloyd, J. M.
Lloyd, Hardress
Lloyd, Sir E.
Longman, Geo.
Lygon, Hon. J.
Lyttleton, Hon. W.
M'Donald, James
Madocks, W.
Mahon, Hon. S.
Mahon, Lord
Markham, J.
Maryatt, J.
Martin, H.
Maule, Hon. W.
Maxwell, W.
Mildmay, Sir H.
Miller, Sir J.
Mills, C.
Mills, Wm.
Milner, Sir W.
Milnes, R. P.
Moore, Peter
Morris, Robt.
Moseley, Sir Oswald
Mostyn, Sir Thos.
Nevill, Hon. R.
Newport, Right Hon. Sir J.
Noel, C.
North, D.
O'Hara, C.

Ord, Wm.
Ossulston, Lord
Palmer, C.
Parnell, H.
Peele, Sir R.
Peirse, Henry
Pelham, Hon. C.
Petty, Lord Henry
Pochin, C.
Pole, Sir C.
Ponsonby, Right Hon. G.
Ponsonby, Hon. F.
Porcher, Dupre
Porchester, Lord
Portman, E. B.
Prittie, Hon. F.
Pym, F.
Ridley, Sir M.
Romilly, Sir S.
Russell, Lord W.
Saint Aubin, Sir J.
Salusbury, Sir R.
Saville, A.
Scudamore, R. P.
Sebright, Sir J.
Sharpe, R.
Shaw, Charles
Shelley, H.
Shelley, T.
Shipley, W.
Simeon, J.
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Smith, S.
Smith, John
Smith, G.
Smith, W.
Sneyd, Nath.
Staniforth, J.
Stanley, Lord
Stuart, Hon. M.
Sumner, G. H.
Symonds, J. P.
Talbot, R. W.
Taylor, C. W.
Taylor, W.
Tempest, Sir H. V.
Temple, Earl
Thelluson, G. W.
Thomas, G. W.
Thompson, J.
Thornton, H.
Thornton, S.
Tierney, Right Hon. Geo.
Tighe, W.
Townshend, Lord J.
Tracey, C. H.
Tremayne, J. H.
Turner, J. F.
Turton, Sir T.
Vaughan, Sir W.
Ward, Hon. J. W.
Wardle, G. L.
Warrender, Sir G.
Western, C. C.
Wharton, J.
Whittle, Francis
Whitbread, S.
Whitmore, S.
Wilberforce, W.
Wilkins, W.
Willoughby, Henry
Windham, Right Hon. Wm.
Winnington, Sir T. E.
Wynne, C. W.
Wynne, Sir W.

Lord Milton and the three Honourable Mr. Dundas's were still absent on account of the death of a near relation.

Mr. T. W. Coke and Mr. Owen Williams, were obliged to go into the country.

In the Divisions *against* the Duke of York there divided 56 Knights of Shires. In his *favour* there were 82 Placemen and General Officers, besides the Sons and Brothers of Placemen.

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